



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## OFFICE OF THE PLANNING BOARD

September 18, 2008

Taconic Design  
3125 Rt. 9W - Suite 201  
New Windsor, Ny 12553

ATTN: CHARLES BROWN, P.E.

SUBJECT: 05-17 MANGIARACINA FEES DUE

Dear Charlie:

Please find attached printouts of fees due for subject project.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$	370.00
Check #2 - Amount over escrow posted.....	\$	2,634.10
Check #3 - Recreation fee for three lots.....	\$	9,000.00

Upon receipt of these checks and ten (10) sets of plans with mylar, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

*Myra L. Mason*

Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/18/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/03/2005	REC. CK. #2268	PAID		800.00	
09/14/2005	P.B. ATTY. FEE	CHG	35.00		
09/14/2005	P.B. MINUTES	CHG	49.00		
11/14/2007	P.B. MINUTES	CHG	49.00		
12/28/2007	LEGAL NOTICE	CHG	11.90		
01/16/2008	P.B. MINUTES	CHG	42.00		
06/25/2008	P.B. MINUTES	CHG	35.00		
09/17/2008	P.B. ATTY. FEE	CHG	1200.00		
09/17/2008	P.B. ENGINEER FEE	CHG	2012.20		
			-----	-----	-----
		TOTAL:	3434.10	800.00	2634.10

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/18/2008

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LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/17/2008	SUBDIVISION APPROVAL	CHG	370.00		
			-----	-----	-----
		TOTAL:	370.00	0.00	370.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/18/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**RECREATION**

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/17/2008	RECREATION FEE - 3 LOTS	CHG	9000.00		
			-----	-----	-----
		TOTAL:	9000.00	0.00	9000.00

# TOWN OF NEW WINDSOR

## MINOR SUBDIVISION FEE SCHEDULE

APPLICATION FEE: \$ 75.00

ESCROW:

RESIDENTIAL:

\_\_\_\_\_ LOTS @ \$200.00 EACH LOT (FIRST FOUR LOTS) \$ \_\_\_\_\_

\_\_\_\_\_ LOTS @ \$100.00 EACH LOT OVER FOUR LOTS \$ \_\_\_\_\_

COMMERCIAL:

\_\_\_\_\_ LOTS @ \$500.00 EACH LOT (FIRST FOUR LOTS) \$ \_\_\_\_\_

\_\_\_\_\_ LOTS @ \$200.00 EACH LOT OVER FOUR LOTS \$ \_\_\_\_\_

TOTAL ESCROW DUE: \$ \_\_\_\_\_

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APPROVAL FEES:

PRE-PRELIMINARY PLAT APPROVAL \$ 100.00

PRELIMINARY PLAT APPROVAL \$ 150.00

FINAL PLAT APPROVAL FEE (\$100.00 + \$5.00/LOT) \$ 120.00

FINAL PLAT SECTION FEE \$ 100.00

TOTAL APPROVAL FEES: \$ 370.00

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RECREATION FEES:

3 LOTS @ \$2,000.00 / LOT \$ 9,000.00

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TO BE DEDUCTED FROM ESCROW:

ESCROW POSTED: \$ \_\_\_\_\_

P.B. ENGINEER FEE \$ \_\_\_\_\_

P.B. ATTY. FEE \$ \_\_\_\_\_

MINUTES OF MEETING \$ \_\_\_\_\_

OTHER \$ \_\_\_\_\_

TOTAL DEDUCTION: \$ \_\_\_\_\_

REFUND: \$ \_\_\_\_\_

AMOUNT DUE: \$ \_\_\_\_\_

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PERFORMANCE BOND AMOUNT \$ \_\_\_\_\_

INSPECTION FEE:

2% PRIVATE IMPROVEMENTS \$ \_\_\_\_\_

4% PUBLIC IMPROVEMENTS \$ \_\_\_\_\_

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 5- 17

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
										-----DOLLARS-----		
										=====	=====	
GRAND TOTAL										2012.20	-1999.80	12.40
											0.00	

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
5-17	231541	10/06/04	TIME	MJE	WS	MANGIARACINA SUB	99.00	0.40	39.60			
5-17	250506	05/26/05	TIME	BMM	FI	MANGIARACINA PERCS	99.00	4.50	445.50			
									485.10		-445.50	
5-17	251467	06/22/05				BILL 05-833					-445.50	
5-17	392888					PD/CR 05-833 PD 07/22/05			445.50		-445.50	
5-17	253966	07/20/05	TIME	MJE	WS	MANGIARACINA S/P	99.00	0.40	39.60			
5-17	258819	09/13/05	TIME	MJE	MC	MANGIARACINA SUB	99.00	0.60	59.40			
5-17	258820	09/13/05	TIME	MJE	MC	COORD MANG PERC INFO	99.00	0.40	39.60			
5-17	259221	09/13/05	TIME	BMM	MR	MANGIARACIA REVIEW	99.00	0.50	49.50			
									188.10		-227.70	
5-17	263650	11/09/05				BILL 05-1526					-227.70	
5-17	393674					PD/CR 05-1526 PD 12/05/05			227.70		-227.70	
5-17	271099	02/01/06	TIME	MJE	WS	MANGIARACINA SUB	115.00	0.40	46.00			
									46.00		-46.00	
5-17	272147	02/17/06				BILL 06-544					-46.00	
5-17	394330					PD/CR 06-544 PD 03/09/06			46.00		-46.00	
5-17	273634	03/01/06	TIME	MJE	MR	MANGIARACINA PLN RVW	115.00	0.50	57.50			
5-17	273635	03/01/06	TIME	MJE	MC	TC/BROWN TACONIC	115.00	0.20	23.00			
									80.50		-80.50	
5-17	275262	03/23/06				BILL 06-763					-80.50	
5-17	394589					PD/CR 06-763 PD 04/10/06			80.50		-80.50	
5-17	277472	04/10/06	TIME	MJE	MC	MANGIARACINA/BMM	115.00	0.40	46.00			
5-17	277219	04/11/06	TIME	BMM	MR	MANGI SEPTIC RVW	99.00	0.50	49.50			
5-17	278383	04/18/06	TIME	MJE	MC	MANGIARACINA START	115.00	0.40	46.00			
5-17	278384	04/18/06	TIME	MJE	MC	TC/MM MANGIARACINA	115.00	0.20	23.00			
5-17	281263	05/19/06	TIME	MJE	MC	MANGIARACINA ZBA REF	115.00	0.40	46.00			
5-17	281264	05/19/06	TIME	MJE	MC	C.BROWN:PLAN CORRECT	115.00	0.30	34.50			
									245.00		-245.00	
5-17	281526	05/24/06				BILL 06-1236					-245.00	
5-17	394969					PD/CR 06-1236 PD 06/07/06			245.00		-245.00	
5-17	286443	07/07/06	TIME	MJE	MC	MANGIARACINA ZBA	115.00	0.40	46.00			
5-17	286444	07/07/06	TIME	MJE	MC	RVW MANG PLAN ERROR	115.00	0.30	34.50			
5-17	292496	08/31/06	TIME	MJE	MC	MM:MANGIARACINA	115.00	0.30	34.50			
									115.00		-115.00	
5-17	298092	10/25/06				BILL 06-2640					-115.00	





Client Ledger

ALL DATES

Date	Entry #	Received From/Paid To Explanation	Che# Rec#	Rcpts	General Disbs	Fees	Bld Inv#	Acc	Trust Activity Rcpts Disbs	Balance
12132	TOWN OF NEW WINDSOR									
6085921		MANGIARACINA 4 LOT SUBDIVISION PB# 05-17							Resp Lawyer: JRL	
Nov 8/2007	104267	Lawyer: DRC 0.50 Hrs X 325.00 REVIEW APPLICATION MATERIALS PB# 05-17				162.50	5642			
Nov 9/2007	105166	Lawyer: DRC 0.20 Hrs X 325.00 REVIEW M EDSALL'S COMMENTS PB# 05-17				65.00	5642			
Nov 14/2007	105490	Lawyer: DRC 0.30 Hrs X 325.00 ATTEND PLANNING BOARD MEETING PB# 05-17				97.50	5642			
Dec 20/2007	111649	Billing on Invoice 5642 FEES 325.00			0.00		5642			
Jan 4/2008	113980	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	012320	325.00						
Jan 13/2008	116129	Lawyer: DRC 0.30 Hrs X 350.00 REVIEW FILE; PREPARE FOR PLANNING BOARD MEETING PB# 05-17				105.00	6439			
Jan 15/2008	116191	Lawyer: DRC 0.10 Hrs X 350.00 REVIEW OCPD'S 239 REPORT PB# 05-17				35.00	6439			
Jan 16/2008	116520	Lawyer: DRC 0.30 Hrs X 350.00 ATTEND PLANNING BOARD MEETING PB# 05-17				105.00	6439			
Jan 19/2008	117258	Lawyer: DRC 0.60 Hrs X 350.00 PREPARE RESOLUTION ADOPTING A NEGATIVE DECLARATION AND THE NEGATIVE DECLARATION PB# 05-17				210.00	6439			
Feb 25/2008	125123	Billing on Invoice 6439 FEES 455.00			0.00		6439			
Mar 10/2008	129757	Lawyer: DRC 0.10 Hrs X 350.00 REVIEW NYSDEC NOTICE OF COMPLETE APPLICATION PB# 05-17				35.00	7175			
Mar 14/2008	130219	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	012929	455.00						
Apr 22/2008	138741	Billing on Invoice 7175 FEES 35.00			0.00		7175			
May 2/2008	142432	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	013387	35.00						
Jun 22/2008	157222	Lawyer: DRC 0.10 Hrs X 350.00 EMAIL TO AND FROM M EDSALL PB# 05-17				35.00	8285			
Jun 23/2008	157382	Lawyer: DRC 0.50 Hrs X 350.00 PREPARE AND FINALIZE RESOLUTION OF FINAL APPROVAL PB# 05-17				175.00	8285			
Jun 23/2008	157383	Lawyer: DRC 0.10 Hrs X 350.00 REVIEW M EDSALL'S COMMENTS PB# 05-17				35.00	8285			
Jun 23/2008	157386	Lawyer: DRC 0.10 Hrs X 350.00 AGGREGATE TIME SPENT ON VARIOUS EMAILS PB# 05-17				35.00	8285			
Jun 25/2008	156428	Lawyer: DRC 0.30 Hrs X 350.00 ATTEND PLANNING BOARD MEETING PB# 05-17				105.00	8285			
Jul 16/2008	161370	Billing on Invoice 8285 FEES 385.00			0.00		8285			
Jul 25/2008	164633	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	014219	385.00						

TOTALS	CHE	+	UNBILLED	+	FEES	=	TOTAL	DISBS	+	BILLED	+	TAX	-	RECEIPTS	=	BALANCES	TRUST
PERIOD	0.00		0.00		0.00		0.00	0.00		1200.00		0.00		1200.00		0.00	0.00
END DATE	0.00		0.00		0.00		0.00	0.00		1200.00		0.00		1200.00		0.00	0.00

FIRM TOTAL	CHE	+	UNBILLED	+	FEES	=	TOTAL	DISBS	+	BILLED	+	TAX	-	RECEIPTS	=	BALANCES	TRUST
PERIOD	0.00		0.00		0.00		0.00	0.00		1200.00		0.00		1200.00		0.00	0.00
END DATE	0.00		0.00		0.00		0.00	0.00		1200.00		0.00		1200.00		0.00	0.00

REPORT SELECTIONS - Client Ledger

Layout Template

Requested by

Finished

Ver

Matters

Clients

Major Clients

Client Intro Lawyer

Matter Intro Lawyer

Responsible Lawyer

Assigned Lawyer

Type of Law

Select From

Matters Sort by

New Page for Each Lawyer

New Page for Each Matter

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Monday, September 08, 2008 at 11:50:57 AM

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**RESOLUTION ADOPTING A NEGATIVE DECLARATION  
FOR A SUBDIVISION APPLICATION**

*Mangiaracina 4 Lot Subdivision  
PB #05-17*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Joann Mangiaracina (the "applicant") for a project described as the "Mangiaracina 4 Lot Subdivision";

**WHEREAS**, the subject site consists of 32.65 acres of land located on the east side of Toleman Road, south of Vineyard Lane and is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 56, block 1, and lot 56 (SBL 56-1-56); and

**WHEREAS**, the action involves a request for a four-lot residential subdivision; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted a coordinated SEQRA review for this project; and

**WHEREAS**, the Planning Board declared its intent to become the Lead Agency with respect to the Proposed Action and circulated a Notice of Intent to be Lead Agency to other involved and interested agencies; and

**WHEREAS**, having received no objection to the proposed Lead Agency designation within thirty (30) days after circulation of the Notice of Intent, the Planning Board was automatically designated the Lead Agency for environmental review of the Proposed Action; and]

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

**WHEREAS**, a duly advertised public hearing on the application for subdivision approval was held on January 16, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

**WHEREAS**, on January 16, 2008 the public hearing on the application for subdivision approval was closed; and

**WHEREAS**, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on December 10, 2007 recommending local determination; and

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

**WHEREAS**, the applicant has submitted a proposed preliminary subdivision plat consisting of seven sheets, prepared by Taconic Design Engineering, PLLC dated June 17, 2004 and last revised on October 23, 2007; and

**WHEREAS**, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of subdivision.

**NOW, THEREFORE**, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

**AND BE IT FURTHER RESOLVED**, that the Planning Board determines that the application for preliminary subdivision

approval will remain incomplete until such time that the applicant has provided the Planning Board with a copy of the freshwater wetlands disturbance permit from the New York State Department of Environmental Conservation which is required in connection with certain improvements shown on the proposed subdivision plat.

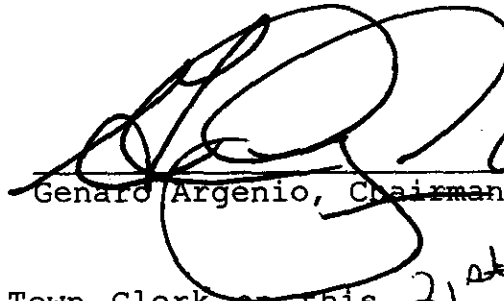
Upon motion made by Member Schlesinger, seconded by Member Gallagher, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

- - -

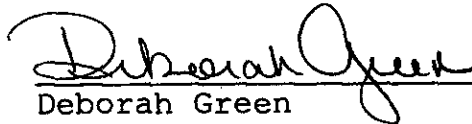
Alternate, Henry Schieble	<u>Aye</u>	Nay	Abstain	Absent
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Dated: January 16, 2008  
New Windsor, New York

  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 21<sup>st</sup> day of January, 2008.

February

  
Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD  
COUNTY OF ORANGE**

**NEGATIVE DECLARATION**

*Mangiaracina Four-Lot Residential Subdivision  
PB # 5-17  
(S-B-L: 56-1-56)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project: Mangiaracina Four-Lot Residential Subdivision  
Action Type: Unlisted Action; Coordinated Review  
Location: Town of New Windsor, County of Orange  
Location: Toleman Road  
Zoning District: R-3 Suburban Residential  
Tax Map Parcel: 56-1-56

**Summary of Action:**

The action involves a request for a four lot residential subdivision approval for the creation of three additional new residential lots in the R-3 Suburban Residential District in the Town of New Windsor.

**Reasons Supporting the Negative Declaration:**

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the subdivision approval.

Three new residential lots will be created by virtue of this subdivision. The proposed subdivision is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. The new residential lots will be serviced by individual water and septic systems. The lots will all have access to Toleman Road. Solid waste generation, energy consumption, and public service demands would not be significant or excessive for this minor subdivision. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: January 16, 2007  
Agency Address: Town of New Windsor Planning Board  
Town Hall -- 555 Union Avenue  
New Windsor, New York 12553  
Tel. (845) 563-4615  
Contact Person: Genaro Argenio, Planning Board Chairman

**RESOLUTION GRANTING PRELIMINARY AND FINAL SUBDIVISION APPROVAL**

**Mangiaracina 4 Lot Subdivision  
PB #05-17**

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Joann Mangiaracina (the "applicant") for a project described as the "Mangiaracina 4 Lot Subdivision";

**WHEREAS**, the subject site consists of 32.65 acres of land located on the east side of Toleman Road, South of Vineyard Lane and is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 56, block 1, and lot 56 (SBL 56-1-56); and

**WHEREAS**, the action involves a request for a four lot single family residential subdivision; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted a coordinated SEQRA review for this project; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

**WHEREAS**, a duly advertised public hearing on the application for subdivision approval was held on January 16, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

**WHEREAS**, on January 16, 2008 the public hearing on the application for subdivision approval was closed; and

**WHEREAS**, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on December 10, 2007 recommending local determination; and

**WHEREAS**, the application and related materials were referred to the Town of Blooming Grove on November 8, 2007

pursuant to the requirements of GML § 239-NN, and to date, no response has been received; and

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

**WHEREAS**, the applicant has submitted a proposed subdivision plat consisting of seven sheets, prepared by Taconic Design Engineering, PLLC dated June 17, 2004 and last revised on October 23, 2007; and

**WHEREAS**, the applicant is seeking preliminary and final subdivision approval for the subdivision plat, which would not result in any additional disturbances beyond that previously reviewed for this application;

**WHEREAS**, on January 16, 2008 the Planning Board determined that the Proposed Action minimizes or avoids significant environmental impacts and adopted a Negative Declaration as part of the approval of subdivision.

**NOW, THEREFORE**, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and hereby grants preliminary and final subdivision approval subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the subdivision plat to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 276(7)(c). This approval will expire on June 20, 2009, and no further extensions can be granted.



Upon motion made by Member Van Leeuwen, seconded by Member Brown, the foregoing resolution was adopted as follows:


Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent
-----				
Alternate, Henry Schieble	Aye	Nay	Abstain	<u>Absent</u>

Dated: June 25, 2008  
New Windsor, New York

  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 16<sup>th</sup> day  
of ~~June~~, 2008.

July

  
Deborah Green  
Town Clerk

MANGIARACINA\_SUBDIVISION\_(05-17)

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MR. ARGENIO: Mangiaracina subdivision.

Mr. Charles Brown appeared before the board for this proposal.

MR. ARGENIO: Next is the Mangiaracina minor subdivision, Toleman Road. The application proposes a subdivision of 32 plus acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005, 14 November, 2007, 16 January, 2008 planning board meetings. Mr. Brown?

MR. C. BROWN: Yes.

MR. ARGENIO: Is here to represent this. I see you do have plans for us, Myra. Where have you been?

MR. C. BROWN: With the DEC.

MR. ARGENIO: How did that go?

MR. C. BROWN: It went well, we had the notice of complete application and on the 25 of February, we advertised it in the paper for 30 days per the permitting process, came back with one comment which was just to specify the type of trees which we accommodated and we're ready to issue a permit. I confirmed that with Rebecca Crist (phonetic) yesterday.

MR. ARGENIO: You guys on that?

MR. EDSALL: I haven't spoken with anyone from DEC but I have seen the notice of complete application.

MR. ARGENIO: Okay, good.

MR. EDSALL: I just don't know the latest conversation.

MR. CORDISCO: Any approvals would be contingent on them receiving the approvals.

MR. ARGENIO: So it is open for public comment at the DEC level at this point.

MR. C. BROWN: That's passed already, they're processing the permit. My understanding I'm going to get it next week but we do have the notice of complete application.

MR. VAN LEEUWEN: Actually it's a 5 lot subdivision.

MR. C. BROWN: Four, the other lot is existing.

MR. VAN LEEUWEN: Which is the original piece belong to this side or belong to here?

MR. C. BROWN: This lot is existing, this is not part of the application.

MR. ARGENIO: So is this existing?

MR. VAN LEEUWEN: So there's separate deeds on this, separate deeds on this?

MR. C. BROWN: Yes.

MR. ARGENIO: The lot to the left bottom of the page and to the right top of the page are existing lots, the subdivision is sandwiched in the middle. We have kind of a semi-flag lot there for the one lot, what is it, Danny, lot number 1?

MR. C. BROWN: Lot number 1, that's the one that prompted the DEC permit.

MR. ARGENIO: And you meet in the area, Mark, is there a drawing that shows the proposed houses?

MR. EDSALL: Yes, I believe it's the second drawing shows the--

MR. ARGENIO: How are the percs out there?

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MR. C. BROWN: And the septic systems.

MR. ARGENIO: How far off of 207 is this?

MR. C. BROWN: Oh, boy, quite a ways.

MR. MANGIARACINA: It's east.

MR. EDSALL: It's at the town line, town line is the bottom of the page.

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right-of-way, driveway must be at least 30 feet in the property before the work is commenced to protect the edge of the road. Did you hear what I just said?

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MR. VAN LEEUWEN: I don't see any problem.

MR. ARGENIO: Okay, I'll accept a motion.

MR. VAN LEEUWEN: I'll make a motion.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we offer final approval for the Mangiaracina subdivision

on Toleman Road minor subdivision on Toleman Road.  
Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: If I can just add on this just so that you are aware not only that but actually the approval resolution of course which will be on file and you can get a copy of it since you get conditional final approval you have 360 days to satisfy those conditions which shouldn't be a problem for you but you should be aware of it.

MR. C. BROWN: Okay, thank you.

MR. ARGENIO: Pay attention to that, please, don't come with a sob story 360 days from tonight.

MR. C. BROWN: No.

MR. CORDISCO: Well, it can't be extended, it's under state law and the board grants all the extensions now.

MR. ARGENIO: We cannot help you at that point.

MR. CORDISCO: So it expires June 20 of 2009.

MR. ARGENIO: Thanks guys, have a good night.

MANGIARACINA\_SUBDIVISION\_(05-17)

---

MR. ARGENIO: Mangiaracina subdivision.

Mr. Charles Brown appeared before the board for this proposal.

MR. ARGENIO: Next is the Mangiaracina minor subdivision, Toleman Road. The application proposes a subdivision of 32 plus acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005, 14 November, 2007, 16 January, 2008 planning board meetings. Mr. Brown?

MR. C. BROWN: Yes.

MR. ARGENIO: Is here to represent this. I see you do have plans for us, Myra. Where have you been?

MR. C. BROWN: With the DEC.

MR. ARGENIO: How did that go?

MR. C. BROWN: It went well, we had the notice of complete application and on the 25 of February, we advertised it in the paper for 30 days per the permitting process, came back with one comment which was just to specify the type of trees which we accommodated and we're ready to issue a permit. I confirmed that with Rebecca Crist (phonetic) yesterday.

MR. ARGENIO: You guys on that?

MR. EDSALL: I haven't spoken with anyone from DEC but I have seen the notice of complete application.

MR. ARGENIO: Okay, good.

MR. EDSALL: I just don't know the latest conversation.

MR. CORDISCO: Any approvals would be contingent on them receiving the approvals.

MR. ARGENIO: So it is open for public comment at the DEC level at this point.

MR. C. BROWN: That's passed already, they're processing the permit. My understanding I'm going to get it next week but we do have the notice of complete application.

MR. VAN LEEUWEN: Actually it's a 5 lot subdivision.

MR. C. BROWN: Four, the other lot is existing.

MR. VAN LEEUWEN: Which is the original piece belong to this side or belong to here?

MR. C. BROWN: This lot is existing, this is not part of the application.

MR. ARGENIO: So is this existing?

MR. VAN LEEUWEN: So there's separate deeds on this, separate deeds on this?

MR. C. BROWN: Yes.

MR. ARGENIO: The lot to the left bottom of the page and to the right top of the page are existing lots, the subdivision is sandwiched in the middle. We have kind of a semi-flag lot there for the one lot, what is it, Danny, lot number 1?

MR. C. BROWN: Lot number 1, that's the one that prompted the DEC permit.

MR. ARGENIO: And you meet in the area, Mark, is there a drawing that shows the proposed houses?



MR. EDSALL: Yes, I believe it's the second drawing shows the--

MR. ARGENIO: How are the percs out there?

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MR. CORDISCO: So it expires June 20 of 2009.

MR. ARGENIO: Thanks guys, have a good night.

---



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
JOANN MANGIARACINA  
156 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

**Facility:**  
MANGIARACINA 4 LOT SUBDIVISION  
122 TOLEMAN RD  
NEW WINDSOR, NY 10922

**Facility Location:** in NEW WINDSOR in ORANGE COUNTY

**Facility Principal Reference Point:** NYTM-E: 571.58      NYTM-N: 4588.55  
Latitude: 41°26'43.2" Longitude: 74°08'35.1"

**Authorized Activity:** Disturbance of approximately 300 linear feet of the 100-foot regulated Adjacent Area of Freshwater Wetland MB-28, Class 2, for the widening of an existing farm road to create a 10 foot wide private drive to service a new home on Lot 1 of a four-lot subdivision. The existing 32.6 acre lot with 1 existing single family home will be subdivided into 4 lots with 3 new homes. Approximately 0.025 acre of fill in federally designated wetland is necessary in conjunction with construction on Lot 1. All other proposed disturbance associated with construction of the new homes and their associated wells and septs, as well as construction of all other driveways, is located outside the NYS regulated wetland area.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 3-3348-00233/00001

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2012

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 3-3348-00233/00002

New Permit

Effective Date: 7/7/2008

Expiration Date: 12/31/2012

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: MICHAEL D MERRIMAN, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1620

Authorized Signature: \_\_\_\_\_

*Michael D. Merriman*

Date 7/7/08



**Distribution List**

TACONIC DESIGN ENGINEERING, PLLC  
TOWN OF NEW WINDSOR PLANNING BOARD  
JAMES PINHEIRO, DEC BUREAU OF HABITAT

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION**

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Taconic Design Engineering, PLLC; and consist of the plan sheets listed in Natural Resource Condition # 2.

**2. Approved Plans** The approved plans consist the following 7 sheets, titled "4 Lot Subdivision Sketch Plan For Mangiaracina":

Sheet 1 - Survey Sheet; dated 06-17-04; last revised 10-23-07

Sheet 2 - Site Plan (Grading & Septic Design); dated 06-17-04; last revised 10-23-07

Sheet 3 - Septic Data; dated 06-17-04; last revised 10-23-07

Sheet 4 - Septic Details; dated 06-17-04; last revised 10-23-07

Sheet 5 - Erosion & Sedimentation Control Plan; dated 08-28-06; last revised 06-04-08

Sheet 6 - Planting and Erosion & Sedimentation Notes and Details; dated 08-28-06; last revised 10-23-07

Sheet 7 - Wetland Delineation; dated 03-01-07; last revised 10-23-07

**3. Adjacent Area Survey Markers** The permittee must install permanent wetland adjacent area survey markers (at least two feet in height above existing ground elevation) at the locations shown on the approved plan(s), referenced in this permit. These markers must contain the following language:

STATE WETLAND ADJACENT AREA

SURVEY MARKER NOT TO BE REMOVED

CONTACT NYS DEC

A written certification signed and dated by the permittee that these markers have been installed in accordance with this condition must be submitted to the NYS Department of Environmental Conservation's Regional Permit Administrator by April 1, 2009 and prior to the sale of any lot..



**4. Deed Covenants for Subdivision Lots** For any of the lots in the subdivision for which this permit was issued that contain portions of New York State regulated Freshwater Wetland MB-28 and/or its regulated 100 foot adjacent area, the deed for each such property shall contain a notice as written below:

"This property contains New York State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the ECL on this property within the wetland area or 100 foot adjacent areas as shown on the Final Subdivision Plat at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

By April 1, 2009, the permittee shall file with the real property records of the County Clerk's Office, the deed for each applicable lot containing this notice. The permittee shall within two weeks following the filing of the deed(s) submit proof of filing from the County Office showing the Liber and page number at which the deed notice was filed and the date of filing for one of the affected lots to

Regional Permit Administrator  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY12561 -1620

to document compliance with this condition and include a written statement that all other affected lots have been similarly encumbered.

**5. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

**6. Notice of Intent to Commence Work** The permittee shall submit the enclosed Notice of Intent to Commence Work to James Pinheiro at least 48 hours in advance of the time of commencement.

**7. Work Within Area Depicted on Plans** All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

No disturbance to NY State regulated wetland is permitted.

**8. Install Erosion Controls** Before any soil is disturbed on the subject site, the permittee shall install erosion and sedimentation controls which are adequate to prevent erosion and sedimentation off-site. Such controls shall be maintained until the unpaved portions of subject site, if any, are stabilized by a self-sustaining cover of vegetation that is adequate to prevent erosion and sedimentation on and off such site. Before such controls are removed, the permittee shall remove all sediment that has accumulated at such controls.

**9. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**10. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**11. Establish Plantings** All plantings within the 100-foot adjacent area of Freshwater Wetland MB-28 must be done in accordance with the Site plan listed in Natural Resource Condition 2. These plantings must be completed by the end of the planting season, 2009. A written certification with representative photographs must be provided to the Department by December 31, 2009.

**12. Long-term Plant Survival** The permittee must ensure a minimum of 85% survival of Adjacent Area plantings for at least three growing seasons. Lost plantings must be replaced. A written certification of three-year plant survival containing representative photographs must be provided to the Department by September 30 of the year in which the permit expires.

**13. Maintain Undisturbed Wetland Adjacent Area** All portions of the 100-foot Adjacent Area of the wetland not specifically included in the area of disturbance must be maintained in undisturbed natural vegetation at all times. Once construction and seeding is complete, mowing within **all areas** of the wetland Adjacent Area is prohibited.

**14. Seed, Mulch Disturbed Areas** All areas of soil disturbance resulting from this project, not specifically covered in the planting plan, shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

**15. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**16. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.



**17. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

### **WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS**

**1. Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

### **GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561 -1620

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Water Quality Certification.





**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

### NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Item E: SEQR Unlisted Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with New Windsor Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.



June 25, 2008

P.B. # 05-17

**NEGATIVE DEC:**

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ SCHEDULE P.H.: Y \_\_\_\_\_ N \_\_\_\_\_

SEND TO DEPT. OF TRANS: Y\_\_\_ REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

## NEED NEW PLANS: Y\_\_\_N\_\_\_

Need 911 Approval

MEETING DATE:



June 25, 2008

P.B. # 05-17

**NEGATIVE DEC:**

M) S) VOTE: A N

CARRIED: Y N

CARRIED: Y N

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ SCHEDULE P.H.: Y \_\_\_\_\_ N \_\_\_\_\_

RETURN TO WORK SHOP: Y N

SEND TO DEPT. OF TRANS: Y      REFER TO Z.B.A.: M)      S)      VOTE: A      N

**APPROVAL:**

M) ✓ S) B VOTE: A      N      APPROVED:           

NEED NEW PLANS: Y N

**CONDITIONS – NOTES:**

Need 9/11 Approval

MEETING DATE:



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

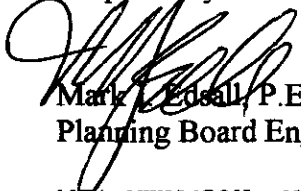
**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** MANGIARACINA MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (at Town Line with Blooming Grove)  
SECTION 56 – BLOCK 1 – LOT 56  
**PROJECT NUMBER:** 05-17  
**DATE:** 25 JUNE 2008  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 32+  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
14 SEPTEMBER 2005, 14 NOVEMBER 2007 AND 16 JANUARY 2008  
PLANNING BOARD MEETINGS.

1. The application required a variance for the barn and silo (existing) on proposed lot #4, due to the proposed location of the new property line. It is my understanding all necessary variances have been received. Note the following status regarding the application:
  - *Public Hearing* – Held and Closed on 1-16-08.
  - *SEQRA* – The Planning Board assumed the position of Lead Agency at the 9-14-05 meeting. A “Neg Dec” was adopted on 1-16-08.
  - *Orange County Planning Referral (GML 239)* – Referral to OCDP made on 11-8-07. Response dated 12-10-07 with two recommendations – “Local Determination”.
  - *Referral to Town of Blooming Grove (GML 239-nn)* – Referral made on 11-8-07.
  - *NYSDEC Freshwater Wetlands Permit (Article 24 Permit)* – Application deemed “Complete” by NYSDEC on 2-25-08.
  - *911 Address Assignments* – Unclear if this has been coordinated with Fire Inspector’s Office.
2. If the Board feels it appropriate, a conditional subdivision approval could be considered.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st NW05-17-25June08.doc

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/25/2008

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/20/2005	O.C. PLANNING	/ /	
ORIG	09/09/2005	MUNICIPAL HIGHWAY	11/01/2007	APPROVED
		. CONTRACTOR MUST FOLLOW DRIVEWAY SPECS. DRIVEWAY MUST BE AT		
		. LEAST 30 FEET INTO PROPERTY BEFORE ANY WORK IS COMMENCED TO		
		. PROTECT THE ROAD		
ORIG	09/09/2005	MUNICIPAL WATER	/ /	
ORIG	09/09/2005	MUNICIPAL SEWER	/ /	
ORIG	09/09/2005	MUNICIPAL FIRE	10/26/2007	APPROVED
ORIG	09/09/2005	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/25/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
01/16/2008	P.B. APPEARANCE . NEED DEC APPROVAL -	ND: CL PH; TO RETURN RETURN TO BOARD
11/14/2007	P.B. APPEARANCE . SEND TO TOWN BLOOMING GROVE AND ORANGE COUNTY PLANNING - . SCHEDULE PUBLIC HEARING FOR JANUARY MEETING	SCHED PH - OCP & BG
09/14/2005	P.B. APPEARANCE . NOTE ON PLAN "TO BE REMOVED" - MOVE SETBACK TO MEET BUFFER - . ALL LOT NUMBMERS DO NOT COINCIDE WITH PERC TESTS - SEND TO . O.C. PLANNING	LA: RETURN
10/06/2004	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/25/2008

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/09/2005	EAF SUBMITTED	09/09/2005	WITH APPLIC
ORIG	09/09/2005	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/09/2005	LEAD AGENCY DECLARED	09/14/2005	TOOK LA
ORIG	09/09/2005	DECLARATION (POS/NEG)	01/16/2008	DECL NEG DEC
ORIG	09/09/2005	SCHEDULE PUBLIC HEARING . FIRST JANUARY 2008 MEETING	11/14/2007	SCHED PH
ORIG	09/09/2005	PUBLIC HEARING HELD	01/16/2008	CLOSED PH
ORIG	09/09/2005	WAIVE PUBLIC HEARING	/ /	
ORIG	09/09/2005	PRELIMINARY APPROVAL	/ /	
ORIG	09/09/2005		/ /	
ORIG	09/09/2005	LEAD AGENCY LETTER SENT	/ /	



**Taconic Design  
ENGINEERING, PLLC.**

3125 ROUTE 9W\* NEW WINDSOR, NY 12553  
(845)-569-8400 \* (fax) (845)-569-4583

June 9, 2008

Genero Argenio, Chairman  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: 4 Lot Subdivision for  
Mangiaracina  
Tolman Road (SBL: 56-1-56)  
Town of New Windsor  
Town Project #05-17  
Job #04066-MGA

Dear Mr Argenio and Board Members,

Please find enclosed revised plans per the DEC, dated October 23, 2007, as well as the DEC Notice of Complete Application, for the above referenced subdivision.

At this time we are requesting that this item be put on the next available Planning Board agenda. If you have any questions or concerns, please feel free to contact me at the above number.

Very truly yours,



Charles T Brown, PE  
Taconic Design Engineering  
President

pc: Jack Mangiaracina, owner

**05-17**

RECEIVED JUN - 9 2008

**TACONIC DESIGN  
ENGINEERING, PLLC**

3125 ROUTE 9W, NEW WINDSOR, NY 12553  
(845) 569-8400 \* Fax (845) 569-4583

6/25 Agenda

**LETTER OF TRANSMITTAL**

TO: Town of New Windsor  
Planning Board  
555 Union Avenue  
New Windsor, NY 12553

DATE: 6/9/2008  
FILE: 04066-t25  
ATTENTION: Myra  
JOB # : 04066-MGA

X ENCLOSED

X PLANS  
DISKETTES  
OTHER

X PAPER  
3.5"

VELLUM  
5.25"

X TRANSMITTED

FEDERAL EXPRESS  
U.S. POST OFFICE

UNITED PARCEL SERVICE  
X SHOE LEATHER

SET OF	DATE	NUMBER	DESCRIPTION
8 of 7	10/23/07r	04066-MGA	4 Lot Subdivision for Mangiaracina
1 each	2/25/2008	04066-MGA	Copy of letter from DEC w/Notice of Complete App
1 each	6/9/2008	04066-MGA	Cover Letter

58 TOTAL

THESE ARE TRANSMITTED AS NOTED BELOW:

X FOR APPROVAL  
FOR INFORMATION  
AS REQUESTED  
FOR REVIEW AND COMMENTS

REMARKS: PB App #05-17

SENT BY: RBM

RECEIVED BY: \_\_\_\_\_

New York State Department of Environmental Conservation  
Division of Environmental Permits  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH FULT CORNERS RD  
NEW FAULTZ, NY 12561-1620  
(845) 256-3054

February 25, 2008

JOANN MANGIARACINA  
156 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

Re: DEC ID # 3-3348-00233/00001  
MANGIARACINA 4 LOT SUBDIVISION

Dear Applicant :

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 3/3/2008 on any day Monday through Friday.

The official newspaper of the Town (City) of NEW WINDSOR.  
Contact the Town (City) Clerk's office to confirm the official newspaper.

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

  
REBECCA S CRIST  
Division of Environmental Permits

05-17

RECEIVED JUN - 9 2008

THIS IS NOT A PERMIT

**New York State Department of Environmental Conservation  
Notice of Complete Application**

*Date:* 02/25/2008

*Applicant:* JOANN MANGIARACINA

*Facility:* MANGIARACINA 4 LOT SUBDIVISION  
122 TOLEMAN RD  
NEW WINDSOR, NY 10922

*Application ID:* 3-3348-00233/00001

*Permits(s) Applied for:* 1 - Article 24 Freshwater Wetlands  
1 - Section 401 - Clean Water Act Water Quality Certification

*Project is located:* in NEW WINDSOR in ORANGE COUNTY

*Project Description:*

The applicant proposes disturbance approximately 300 linear feet of the 100-foot regulated Adjacent Area of Freshwater Wetland MB-28, Class 2, for the widening of an existing farm road to create a 10 foot wide private drive to service a new home on Lot 1 of a four-lot subdivision. The existing 32.6 acre lot with 1 existing single family home will be subdivided into 4 lots with 3 new homes. Approximately 0.025 acre of fill in federally designated wetland is proposed in conjunction with construction on Lot 1. All other proposed disturbances associated with construction of the new homes and their associated wells and septic, as well as construction of all other driveways, is located outside the NYS regulated area.

*Availability of Application Documents:*

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

*State Environmental Quality Review (SEQR) Determination*

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

*SEQR Lead Agency:* New Windsor Town Planning Board

*State Historic Preservation Act (SHPA) Determination*

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

05-17

*Availability For Public Comment:*

Comments on this project must be submitted in writing to the Contact Person no later than 03/20/2008 or 15 days after the publication date of this notice, whichever is later.

*Contact Person*

REBECCA S CRIST  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1620  
(845) 256-3054

**CC List for Complete Notice**

JONATHAN CELLA, TACONIC DESIGN  
TOWN OF NEW WINDSOR PLANNING BOARD  
DOUG GAUGLER, DEC BUREAU OF HABITAT  
NATALIE BROWNE, DEC DIVISION OF WATER  
ENB

**05-17**

**RECEIVED JUN - 9 2008**

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
NOTICE OF COMPLETE APPLICATION

Date: 3/25/08  
Applicant: JOANNE HARRINGTON

Property: 100 HARRINGTON  
4 LOT SUBDIVISION  
122 TOLEMAN ROAD  
NEW WINDSOR, NY 10912

Application ID: 3-3348-00233/00001

Permits Applied for: 1 Article 24 Freshwater  
Wetlands  
1 Section 401 - Clean Water Act Water Quality  
Certification

Project is located: in NEW WINDSOR  
in ORANGE COUNTY

Project Description:

The applicant proposes disturbance approximately 300 linear feet of the 100-foot regulated Adjacent Area of Freshwater Wetland H2B-28, Class 2, for the widening of an existing farm road to create a 10 foot wide private drive to service a new home on Lot 1 of a four-lot subdivision. The existing 32.6 acre lot with 1 existing single family home will be subdivided into 4 lots with 3 new homes. Approximately 0.025 acre of fill in federally designated wetland is proposed in conjunction with construction on Lot 1. All other proposed disturbances associated with construction of the new homes and their associated wells and septic, as well as construction of all other driveways, is located outside the NYS regulated area.

Availability of Application Documents:  
Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR)  
Determination

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

SEQR Lead Agency: New Windsor Town Planning  
Board

State Historic Preservation Act (SHPA)  
Determination

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Availability for Public Comment  
Comments on this project must be  
Submitted in writing to the Contact  
Person no later than 03/20/08  
Or 15 days after the publication date  
Of this notice, whichever is later.

Contact Person  
REBECCA S. CRIST  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1620  
(845)256-3054

State of New York  
County of Orange, ss:  
Kathy Amanatides being duly  
sworn disposes and says that she is  
The Supervisor of Legal Dept. of  
the E.W. Smith Publishing  
Company; Inc. Publisher of The  
Sentinel, a weekly newspaper  
published and of general  
circulation in the Town of New  
Windsor, Town of Newburgh and  
City of Newburgh and that the  
notice of which the annexed is a  
true copy was published in said  
newspaper, 1 time(s)  
commencing on  
the 14 day of Mar. A.D., 2007  
and ending on the 14 day of  
Mar. A.D. 2007

*[Signature]*

Subscribed and shown to before  
me this 2nd day of April, 2007

*[Signature]*

Notary Public of the State of New  
York County of Orange.

My commission expires 7-31-09.

KATHLEEN O'NEIL  
Notary Public, State of New York  
Qualified in Orange County  
No. 0504700012  
Commission Expires July 31, 2009

RECEIVED JUN - 9 2008

05-17

5/13/08 05-17  
D.C.  
M.E.

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 3**  
21 South Putt Corners Road, New Paltz, New York 12561-1620  
**Phone:** (845) 256-3054 **FAX:** (845) 255-3042  
**Website:** www.dec.ny.gov



April 7, 2008

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Request for Additional Information**

Dear Ms. Mangiaracina:

The Department of Environmental Conservation (DEC) staff have reviewed the plans for the above referenced application for permit, pursuant to Article 24 of the Environmental Conservation Law, Freshwater Wetland, to subdivide this parcel into 4 lots and to construct three new single-family residences, with a portion of the access road for Lot 1 within the 100-foot Adjacent Area of NYS Freshwater Wetland MB-28 (Class II). Before a final decision is made on this application, please address the following.

DEC Bureau of Habitat staff has reviewed the plant list on Sheet 5, "Erosion and Sedimentation Control Plan", and requests that the only following shrubs be used: Pin Oak (*Quercus palustris*), Red Maple (*Acer rubrum*), Grey-Stemmed Dogwood (*Cornus racemosa*), Highbush Blueberry (*Vaccinium corymbosum*), and Arrowwood (*Viburnum dentatum*). The proposed seed mixes are acceptable. Please direct questions regarding the plant list to James Pinheiro, DEC Bureau of Habitat, (845) 256-2227.

In addition to two copies of a revised Sheet 5, the Department requires 2 copies of a profile of the access drive through the Adjacent Area with notation as to the proposed material for surfacing (i.e. asphalt, gravel, etc). Please note that submission of an electronic copy of the approved Erosion and Sediment Control Plan to Natalie Browne, DEC Division of Water, will be a condition of any permit issued.

If you have any questions, please feel free to contact me at (845) 256-3040.

Sincerely yours,



Rebecca Crist  
Environmental Analyst

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Request for Additional Information**

Cc. Taconic Design  
Town of New Windsor Planning Board  
James Pinheiro, DEC Bureau of Habitat  
Natalie Browne, DEC Division of Water



THIS IS NOT A PERMIT

**New York State Department of Environmental Conservation  
Notice of Complete Application**

Date: 02/25/2008

Applicant: JOANN MANGIARACINA

Facility: MANGIARACINA 4 LOT SUBDIVISION  
122 TOLEMAN RD  
NEW WINDSOR, NY 10922

Application ID: 3-3348-00233/00001

2/28/08

cc: M.E.  
D.C.

P.B. #05-17

Permits(s) Applied for: 1 - Article 24 Freshwater Wetlands  
1 - Section 401 - Clean Water Act Water Quality Certification

Project is located: in NEW WINDSOR in ORANGE COUNTY

*Project Description:*

The applicant proposes disturbance approximately 300 linear feet of the 100-foot regulated Adjacent Area of Freshwater Wetland MB-28, Class 2, for the widening of an existing farm road to create a 10 foot wide private drive to service a new home on Lot 1 of a four-lot subdivision. The existing 32.6 acre lot with 1 existing single family home will be subdivided into 4 lots with 3 new homes. Approximately 0.025 acre of fill in federally designated wetland is proposed in conjunction with construction on Lot 1. All other proposed disturbances associated with construction of the new homes and their associated wells and septs, as well as construction of all other driveways, is located outside the NYS regulated area.

*Availability of Application Documents:*

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

*State Environmental Quality Review (SEQR) Determination*

Project is an Unlisted Action and will not have a significant impact on the environment. A Negative Declaration is on file. A coordinated review was performed.

SEQR Lead Agency New Windsor Town Planning Board

*State Historic Preservation Act (SHPA) Determination*

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

*Availability For Public Comment*

Comments on this project must be submitted in writing to the Contact Person no later than 03/20/2008 or 15 days after the publication date of this notice, whichever is later.

*Contact Person*

REBECCA S CRIST  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561-1620  
(845) 256-3054

---

**CC List for Complete Notice**

JONATHAN CELLA, TACONIC DESIGN  
TOWN OF NEW WINDSOR PLANNING BOARD  
DOUG GAUGLER, DEC BUREAU OF HABITAT  
NATALIE BROWNE, DEC DIVISION OF WATER  
ENB

MANGIARACINA\_SUBDIVISION\_(05-17)

---

Mr. Charles Brown appeared before the board for this proposal.

MR. ARGENIO: This application proposes subdivision of 32 plus acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005 and 14 November, 2007 planning board meetings. The application is before the board for a public hearing at this meeting. Sir, what's your name?

MR. C. BROWN: Charles Brown.

MR. ARGENIO: Mr. Brown, I almost have this thing memorized, this plan, give us a brief description here then I'd like to open it up to the public. Do you remember this one? Then we'll open it up.

MR. C. BROWN: This is an existing 32 acre parcel to be subdivided into four lots creating three new building lots. There's an existing residence single family on the parcel. The residents will be serviced by individual wells and septic, going to be an R-3 zone, lot size 80,000 square feet, all lots meet or exceed that. This is on Toleman Road right up against Town of Blooming Grove.

MR. ARGENIO: So you'd go out 207, make a left at the storage sheds and go almost to the Blooming Grove line?

MR. BABCOCK: That's correct.

MR. C. BROWN: There's a barn and silo on the site.

MR. ARGENIO: Yes, I'm with you.

MR. C. BROWN: Which needed a variance which we got from the Zoning Board. Approximately half the site contains New York State wetlands, we have one driveway

crossing that goes through that wetland buffer and have, it's been through the process with DEC.

MR. ARGENIO: What does this mean?

MR. C. BROWN: They're ready to sign off as soon as we get the approval from the town.

MR. ARGENIO: No, no, no, no.

MR. C. BROWN: They can't issue a permit until they get a negative dec.

MR. ARGENIO: That's true.

MR. C. BROWN: Negative dec.

MR. ARGENIO: I want to be clear again.

MR. C. BROWN: That's the only outstanding issue with the DEC, this latest set of drawings shows the additional landscaping and the trees along that driveway and the markers that the DEC required as part of their review process.

MR. ARGENIO: Mark, that's correct or Dominic that they cannot, DEC needs a negative dec from us to give them their final?

MR. CORDISCO: That's correct, this is a coordinated review.

MR. ARGENIO: We get to have the final look at this thing after the DEC approves the plan, correct?

MR. CORDISCO: Well, that's what we have to discuss because it's a question of process and how we move forward. There's a number of different scenarios, we could issue a negative dec tonight or issue a negative dec whenever the board is ready to issue and at that

point they can go back to DEC and that would be an item of completeness that they'd need to provide to DEC along with any other technical information that they'd need to provide to DEC. Once that's complete, DEC would be in a position to either issue or deny a wetlands permit, of course if they deny it, you know, we, I mean, there's no subdivision, there's no subdivision cause it's not viable from--

MR. ARGENIO: From DEC point of view.

MR. CORDISCO: That's right or alternatively we could issue a negative dec coupled with a conditional final approval, the condition being amongst other things can be that of course they obtain DEC approval.

MR. ARGENIO: Problem is DEC's getting tighter and tighter and tighter as time goes on and it's conceivable, correct me if I'm wrong, that they could be, DEC could deny the permit.

MR. CORDISCO: My take being a former DEC employee and I've seen the comments that were written on this application, I thought that they received fairly negative comments from DEC but then again, you know, that's what I'm reading but someone else might not. Now procedural issue with issuing conditional final approval--

MR. ARGENIO: I don't want to talk about it.

MR. CORDISCO: There's the 360 days starts the clock and if they don't obtain DEC approval then poof, it's gone.

MR. ARGENIO: Magic. Does anybody have a problem with negative dec? I think there's, I'll accept a motion we declare negative dec under SEQRA.

MR. SCHLESINGER: So moved.

---

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec on the Mangiaracina subdivision. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't know that we should, that we can go any further with this, I think, right? We're very sorry. Thank you. Myra, let's do that, can I have the page please? On the 27th day of December, Myra prepared 13 addressed envelopes containing notice of public hearing for this application from a list provided to here by the tax assessor. I'm going to open the public hearing on the Mangiaracina minor subdivision. Anybody here that would like to speak for or against this subdivision or just comment upon it, please raise your hand, I'll recognize you, give your name and address and you'll be afforded the opportunity to speak. Accept a motion that we close the public hearing.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the Mangiaracina minor subdivision public hearing on Toleman Road. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER      AYE  
MR. BROWN            AYE  
MR. GALLAGHER        AYE  
MR. SCHEIBLE         AYE  
MR. ARGENIO          AYE

MR. ARGENIO: Anything else to talk about with this?

MR. C. BROWN: Wouldn't feel comfortable with conditional final?

MR. ARGENIO: No, I wouldn't and I'm going to tell you why, it's because as Dominic said the comments that came from DEC are negative and I don't know how wise it is to do the me-too with the DEC anymore, they're getting tighter and tighter and more fickle with the decisions. Mark, do you have anything to add to those thoughts that I just shared?

MR. EDSALL: No, I think the applicant, no, I think the applicant should know that the other issues have all been resolved that I believe you have gotten, you needed variances, obtained the variances you need so once you hear positive news back from the DEC.

MR. ARGENIO: You're not going to get hung up here, I think that's the message here, it's procedural and I think it's no more than that. Does anybody feel differently about this? Okay, thank you.

MR. C. BROWN: Negative dec would be available?

MS. MASON: As soon as I get it from Dominic.

MR. ARGENIO: Dominic, when is the negative dec available? He wants to run up to New Paltz tomorrow.

MR. CORDISCO: I have to draft it, it will be maybe tomorrow, maybe the next day.

MR. ARGENIO: You can get it by the end of the week when it's ready, call me and I'll make sure I sign it. As I said, the matter of you're coming back here it seems to me based on the input I'm hearing is more a formality than anything else.

MR. CORDISCO: Just so the board knows, I'm sorry but Mr. Mangiaracina had showed me a revised letter from the DEC which removed some of the objections that they previously had stated so the letter that I had read has been updated since then.

MR. C. BROWN: We did address those comments.

MR. ARGENIO: Why didn't you have the letter?

MR. MANGIARACINA: They sent it to me, says Town of New Windsor also.

MR. ARGENIO: I believe you, don't doubt you.

MS. MASON: Last the date on it?

MR. MANGIARACINA: June 27, '07.

MR. ARGENIO: Thank you.

---





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** MANGIARACINA MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (at Town Line with Blooming Grove)  
SECTION 56 – BLOCK 1 – LOT 56  
**PROJECT NUMBER:** 05-17  
**DATE:** 16 JANUARY 2008  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 32+  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
14 SEPTEMBER 2005 AND 14 NOVEMBER 2007 PLANNING BOARD  
MEETINGS. *THE APPLICATION IS BEFORE THE BOARD FOR A  
PUBLIC HEARING AT THIS MEETING.*

1. The application required a variance for the barn and silo (existing) on proposed lot #4, due to the proposed location of the new property line. It is my understanding all necessary variances have been received. Note the following status regarding the application:
  - **SEQRA** – The Planning Board assumed the position of Lead Agency at the 9-14-05 meeting. My records indicate no determination of environmental significance has been made as of this time.
  - **Orange County Planning Referral (GML 239)** – Referral to OCDP made on 11-8-07.
  - **Referral to Town of Blooming Grove (GML 239-nn)** – Referral made on 11-8-07.
  - **NYSDEC Freshwater Wetlands Permit (Article 24 Permit)** – Applicant should be asked regarding status of this permit.
2. The applicant should be reminded that, as per the 911 Policy of the Town, this project will require the assignment of a street address numbering. A submittal should be made to the Town Fire Inspector's Office to coordinate such assignment.

Respectfully Submitted,

  
Mark J. Edsall, P.E., P.F.  
Planning Board Engineer

MJE/st NW05-17-16Jan08.doc

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



PROJECT: Mangasacura P.B. # 05-17

**NEGATIVE DEC:**

MScheS)Gal VOTE: A 5 N 0  
CARRIED: Y ✓ N    

**PUBLIC HEARING:**                      **WAIVED:** \_\_\_\_\_                      **CLOSED:** ✓                      **FINAL:** \_\_\_\_\_

SEND TO O.C. PLANNING: Y\_\_\_\_\_ RETURN TO WORK SHOP: Y N

SEND TO DEPT. OF TRANS: Y\_\_\_ REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A N

**APPROVAL:**

CONCEPTUAL: \_\_\_\_\_ PRELIMINARY: \_\_\_\_\_ COND. FINAL: \_\_\_\_\_ FINAL

M)      S)      VOTE: A      N      APPROVED:     

NEED NEW PLANS: Y\_\_\_\_\_ N\_\_\_\_\_

**CONDITIONS – NOTES:**

4 Lots  
Need D.E.C. Approval  
Need Neg Dec from Dominic

MEETING DATE: January 16, 2008

MEETING DATE: January 16, 2008



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
1/7/2008	1106

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

*Murphy*

P.O. No.	Terms	Project
51868	used PD 10/6/06	

Issue Date	Description	Rate	Amount
12/28/2007	LEGAL ADS: DOMINICK NISI 07-59 1 AFFIDAVIT	8.69 4.00	8.69 4.00
12/28/2007	LEGAL ADS: NEW WINDSOR SENIOR PROJECT 07-01 1 AFFIDAVIT	7.90 4.00	7.90 4.00
12/28/2007	LEGAL ADS: KATHLEEN FINNERAN 07-58 1 AFFIDAVIT	8.29 4.00	8.29 4.00
12/28/2007	LEGAL ADS: MANGIARACINA SUBDIVISION 05-17 1 AFFIDAVIT	7.90 4.00	7.90 4.00
		<b>Total</b>	\$48.78

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on JANUARY 16, 2008 at 7:30 PM. on the approval of the proposed for MANGIARACINA SUBDIVISION Located at 122 TOLEMAN ROAD (Tax Map #Section 56, Block 1, Lot 56). Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: DECEMBER 3, 2007

By Order of TOWN OF NEW WINDSOR  
PLANNING BOARD

**State of New York**

**County of Orange, ss:**

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 times(s) commencing on the 28th day of December, A.D., 2007 and ending on the 28th day of December, A.D., 2007.

Kathleen O'Brien

Subscribed and shown to before me this 11<sup>th</sup> day of January, 2007. 2008

Deborah Green

Notary Public of the State of New York

County of Orange

My commission expires \_\_\_\_\_

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

**PLANNING BOARD: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

In the Matter of the Application for Subdivision for:

**JOANN MANGIARACINA P. B. #05-17**

**Applicant**

# AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the **27TH** day of DECEMBER, 2007, I compared the 13 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason  
Myra L. Mason, Secretary

16<sup>th</sup> day of January, 2008

  
\_\_\_\_\_  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/16



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101  
J. Todd Wiley, IAO

## Assessor's Office

November 30, 2007

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: 56-1-56 PB#05-17 (13)

Dear Ms. Mangiaracina:

According to our records, the attached list of property owners are abutting and or across the street from the above referenced property.

Parcels marked with one asterisk (\*) represent abutting or across the street, two asterisks (\*\*) represent that the parcel is within an Agricultural District within five hundred (500) feet of the site project, and three asterisks (\*\*\*) represent that the parcel is both abutting or across the street and in an Agricultural District.

**Please be advised that the subject parcel is also abutting to the Town of Blooming Grove.**

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/lrd  
Attachments

~~CONFIDENTIAL~~

56-1-20 \*\*\*  
Joseph Rakowiecki  
151 Station Road  
Salisbury Mills, NY 12577

56-1-51.1 \*\*  
Peter Efinger  
Tamela Wisniewski  
106 Toleman Road  
Washingtonville, NY 10992

56-1-22.32 \*\*\*  
Kenneth Lee  
Kathleen Woroschinski  
101 Station Road  
Salisbury Mills, NY 12577

56-1-51.2 \*\*  
Tina & Raymond Foerst  
114 Toleman Road  
Washingtonville, NY 10992

56-1-28 \*  
Pauline Allen  
Louis Vernon Allen  
153 Toleman Road  
Washingtonville, NY 10992

56-1-57 \*\*\*  
Gary & Samantha Mangiaracina  
120 Toleman Road  
Washingtonville, NY 10992

56-1-29 \*  
Paul & Diane Meore  
143 Toleman Road  
Washingtonville, NY 10992

56-1-30.12 \*  
Antonio Goncalves  
10 Marie Lane  
Washingtonville, NY 10992

56-1-31.12 \*  
Yolanda Rayside  
11 Marie Lane  
Washingtonville, NY 10992

56-1-47.2 \*\*\*  
Christopher Colon  
184 Toleman Road  
Washingtonville, NY 10992

56-1-48 \*\*\*  
Thomas & Trudy Dolson  
180 Toleman Road  
Washingtonville, NY 10992

56-1-49 \*\*  
Dennis & Kathleen Finnerty  
174 Toleman Road  
Washingtonville, NY 10992

56-1-50 \*\*  
Brian & Deborah Sullivan  
168 Toleman Road  
Washingtonville, NY 10992

**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 11-28-07 mm

DATE: 11-28-07 PROJECT NUMBER: ZBA#        P.B. # 05-17

APPLICANT NAME: JOANN MANGIARACINA

PERSON TO NOTIFY TO PICK UP LIST:

JOANN MANGIARACINA  
156 TOLEMAN ROAD  
WASHINTONVILLE, NY 10992

TELEPHONE: 496-7126

TAX MAP NUMBER: SEC. 56 BLOCK 1 LOT 56  
SEC.        BLOCK        LOT       

PROPERTY LOCATION: TOLEMAN ROAD  
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION         
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XXX

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) XXX

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)       

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) XXX

❖ ❖

NEW WINDSOR ZONING BOARD       

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT       

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 861

TOTAL CHARGES:



## **LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **JANUARY 16, 2008** at 7:30 P.M. on the approval of the proposed Subdivision for **MANGIARACINA SUBDIVISION** Located at **122 TOLEMAN ROAD** (Tax Map #Section **56**, Block **1**, Lot **56**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: DECEMBER 3, 2007

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

12/17/07

P.B. #05-17 CC: M.E.  
D.C.**COUNTY OF ORANGE****EDWARD A. DIANA**  
COUNTY EXECUTIVE**DEPARTMENT OF PLANNING**124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533  
www.orangecountygov.com/planning**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER**ORANGE COUNTY DEPARTMENT OF PLANNING**  
**239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

**Local File#:** 05-17**Referred by:**

Town of New Windsor

**Reference/County ID No.:** NWT42-07N7**Applicant:**

Mangiaracina Minor Subdivision

**County Tax ID:** S: 56 B: 11 L: 56**Proposed Action:**

Four-lot subdivision

**Reason for Review:**

Within 500 Ft of the New Windsor and Blooming Grove municipal border

**Date of Full Statement:** November 19, 2007**Comments:**

1. The proposed site plan appears to be consistent with the County Comprehensive Plan and local laws.
2. This department recommends that if possible the driveway proposed for Lot # 1 avoid crossing the State DEC wetland buffer. In addition, the current configuration of the driveway will create an unnecessarily large impervious surface area.
3. This department recommends that the septic tank on Lot # 3 be moved further from the wetlands if possible in order to avoid potential wetland degradation.
4. Having no further comments, from a County perspective, the department recommends that the Planning Board proceed with its review process.

**County Recommendation:** Local Determination**Date:** December 10, 2007**Prepared by:** Todd Cohen  
**David Church, AICP**  
Commissioner of Planning

**IMPORTANT NOTE:** As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



## REPORT OF FINAL LOCAL ACTION

**To: Orange County Department of Planning  
124 Main Street  
Goshen, NY 10924**

**From:**

**Date:**

**Subject: GML 239 Referral ID# NWT42-07N  
Name of project: Mangiaracina 56-11-56**

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

\_\_\_\_\_ Our local board **approved** this action on \_\_\_\_\_.

\_\_\_\_\_ Our local board **approved** this action **with modifications** on \_\_\_\_\_.  
Briefly, the modifications consisted of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Our local board **disapproved** this action on \_\_\_\_\_.  
Briefly, the reasons for disapproving this action were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The proposal was **withdrawn**.

Additional space for comments on actions:

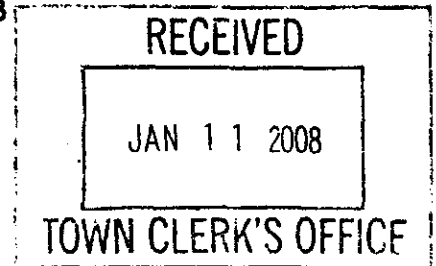
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



1763

# TOWN OF NEW WINDSOR

**TOWN CLERK'S OFFICE**  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4611  
Fax: (845) 563-4670



## REQUEST FOR PUBLIC RECORDS

Date: JAN 11 2008  
Name: Joseph E. Rakowiecki  
Address: 151 STATION RD  
SALISBURY MILLS NY 12577  
Phone: (845) 496-4907  
Representing: Self

**Please specify:**

- **Property location (street address or section, block and lot number)**
- **Department you are requesting records from**
- **Describe information requested as fully as possible**

planning board  
subdivision for Marcein on Tolman Rd

**Documents may not be taken from office**



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

**RICHARD D. MCGOEY, P.E. (NY & PA)**

**WILLIAM J. HAUSER, P.E. (NY & NJ)**

**MARK J. EDSALL, P.E. (NY, NJ & PA)**

**JAMES M. FARR, P.E. (NY & PA)**

**MAIN OFFICE**  
**33 AIRPORT CENTER DRIVE**  
**SUITE 202**  
**NEW WINDSOR, NEW YORK 12553**

**(845) 567-3100**

**FAX: (845) 567-3232**

**E-MAIL: MHENY@MHEPC.COM**

**WRITER'S E-MAIL ADDRESS:**  
**MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** MANGIARACINA MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (at Town Line with Blooming Grove)  
SECTION 56 – BLOCK 1 – LOT 56  
**PROJECT NUMBER:** 05-17  
**DATE:** 14 NOVEMBER 2007  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 32+  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE  
14 SEPTEMBER 2005 PLANNING BOARD MEETING.


1. The application required a variance for the barn and silo (existing) on proposed lot #4, due to the proposed location of the new property line. It is my understanding all necessary variances have been received.
2. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision, or if same can be waived per Section 257-13 (A) of the Subdivision Regulations. (the board must consider both preliminary and final public hearings).
3. The Planning Board assumed the position of Lead Agency at the 9-14-05 meeting. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
4. This project adjoins the Town Line with Blooming Grove and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). In addition, due to recent law changes, the application must also be referred to the Town of Blooming Grove.

**REGIONAL OFFICES**

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

6. As per the 911 Policy of the Town, this project will require the assignment of a street address numbering. A submittal should be made to the Town Fire Inspector's Office to coordinate such assignment.
7. The applicant currently has an active (but deemed incomplete) application to the NYSDEC for an Article 24 Freshwater Wetlands permit. The NYSDEC has indicated that a negative declaration has not yet been received. If the Planning Board has not yet made a SEQRA determination of significance, they may wish to consider one at this time, if they deem such action appropriate.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW05-17-14Nov07.doc



PROJECT: Mangiaracina P.B. # 05-17

**NEGATIVE DEC:**

MOTION) VOTE: A N  
CARRIED: Y N

**PUBLIC HEARING:**      **WAIVED:**\_\_\_\_\_ **CLOSED:**\_\_\_\_\_

SEND TO O.C. PLANNING: Y ✓  
SEND TO DEPT. OF TRANSPORTATION: Y       

RETURN TO WORK SHOP: Y\_\_N\_\_

M) - S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ APPROVED: \_\_\_\_\_

**CONDITIONS – NOTES:**

Send to BG + City

January 9th Agenda P-H.

November 14, 2007

41

MANGIARACINA\_SUBDIVISION\_(05-17)

MR. ARGENIO: Mangiaracina minor subdivision on Toleman Road. This application proposes subdivision of the 32 acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005 planning board meeting. Sir, can I have your name for the benefit of Franny and the rest of the board members?

MR. CELLA: Jonathan Cella.

MR. ARGENIO: Would you tell us what you're doing here please?

MR. CELLA: It's 32 1/2 acres and we're subdividing it into four single family building lots, one with the existing residence which would be lot number--

MR. ARGENIO: I see five lots there.

MR. EDSALL: The bottom one is a separate existing tax lot.

MR. ARGENIO: The bottom large lot with the buffer running through it?

MR. CELLA: This is lot 1.

MR. SCHLESINGER: Lot 1 is not part of the subdivision.

MR. ARGENIO: Do me a favor, take that red pen and show me the lot lines on that drawing.

MR. CELLA: This is the existing parcel, this is lot 4, 3.

MR. ARGENIO: I need the lot line, show me the lot line. You see where it says--



MR. SCHLESINGER: See where it says 1, is 1 a lot?

MR. CELLA: Existing, no.

MR. SCHLESINGER: Is 1, you see top left, go left, right there, move your hand up, right there, is that part of this subdivision?

MR. CELLA: Correct.

MR. SCHLESINGER: Where is 2?

MR. CELLA: Three.

MR. SCHLESINGER: Three.

MR. ARGENIO: Draw the lines for me.

MR. CELLA: This is 4 here with the remainder of the buffer and 2 and 3 are smaller lots here.

MR. ARGENIO: What's that, 4, 3, 2, 1 so that lot on the bottom where it says federal wetland is not included, is that correct? Put your finger on the drawing, down, correct, is that included or not?

MR. CELLA: This is an existing residence here which was a previous subdivision not included.

MR. ARGENIO: That's my question, we're making headway, leaps and bounds here. Okay, I understand.

MR. CELLA: Says lot number 2.

MR. ARGENIO: No problem, go ahead, continue.

MR. CELLA: All right, so single family homes, well and septic and this has lot number 4 will have the existing residence with the barn and silo, existing silo and barn which we just received variances for for height

and setbacks to the proposed property line from the town zoning board, that was October 22 last month. The lots are average 8 acres ranging from 12 1/2 to 14 1/2 acres. It's zoned R-3, we conform to everything except for the barn and silo setbacks as their height exceeds the allowable height for accessory structure. So we got the variances from the ZBA.

MR. SCHLESINGER: Did we refer you to the Zoning Board?

MR. BABCOCK: Yes.

MR. CELLA: Yes.

MR. ARGENIO: You had a public hearing there?

MR. CELLA: Yes.

MR. ARGENIO: How was that, was it attended?

MR. BABCOCK: I don't think people understood the plan, if I remember right, they came up, quite a few people came up but nobody had any issues, they didn't understand.

MR. ARGENIO: I can't imagine them not understanding the plan.

MR. BABCOCK: Well, the barn and the silo it's an accessory structure so nobody understood that, they asked a couple questions if the barn would not be used. I suggested that to the applicant that he not say that because I'm sure if he sold the property somebody wanted to use the barn they could use that and use the barn and silo, I don't recall any negative comments at all.

MR. ARGENIO: Okay. Go ahead, sir.

MR. CELLA: Not much more. Lots 2 and 3 the houses

will be seen from the road and lot number 1 the house will be all the way in the rear of the lot, at this point they're crossing the driveway for lot number 1 will cross through the New York State DEC buffer for the wetland.

MR. ARGENIO: Is that a problem?

MR. EDSALL: They'll need a permit.

MR. ARGENIO: Even if the buffer--

MR. CELLA: At this point we have submitted plans and it's been reviewed by them and at this time they need you to take action so we can get that permit.

MR. ARGENIO: They need us to take action in what sense?

MR. CELLA: SEQRA, we have to get a negative dec.

MR. ARGENIO: We certainly can't help you with final approval tonight.

MR. CELLA: No, we understand that but for them--

MR. CORDISCO: DEC regulations require that SEQRA be completed before the DEC can issue its outside agency approvals.

MR. ARGENIO: If anybody sees fit, I'll accept a motion to declare negative dec.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the Mangiaracina site plan.

MR. CORDISCO: Didn't this application have to be referred to the Town of Blooming Grove?

MS. MASON: Yes.

MR. CORDISCO: And the time has not passed for action under the new requirements of the General Municipal Law 239 NN, this has to be referred to the adjoining municipalities.

MR. EDSALL: You're saying you can't take SEQRA until that clock has run.

MR. CORDISCO: That's correct.

MR. ARGENIO: That's 30 days. When did you send it out?

MS. MASON: Today.

MR. ARGENIO: You've got no negative dec tonight, it's a technicality, it is what it is.

MR. CELLA: All right, so can we be put on for next month then at this point?

MR. ARGENIO: I don't see why not. Do you guys, is there anything?

MR. CORDISCO: Just in terms of timing if the 30 days are up then they certainly can be put on for next month. I'm taking a look at the calendar. No.

MR. CELLA: So we can be on the January agenda?

MR. EDSALL: Thirty days won't run by the meeting in December so since there's only one meeting in December--

MR. ARGENIO: It's going to be after the first of the year.

MR. CORDISCO: That would be January 9th.

MR. ARGENIO: Danny and Neil, how do you guys feel about the public hearing?

MR. SCHLESINGER: Let's see, the Mangiaracinas live on one side.

MR. CELLA: This is their lot, this is their son.

MR. ARGENIO: Certainly not going to affect their timeframe, we additionally need to hear back from county which we have not heard back. Quite frankly why are you here tonight? Can I ask that stupid question?

MR. CELLA: We thought we'd be able to get negative dec.

MR. BABCOCK: Yeah, I don't think we were aware of that ourselves.

MR. EDSALL: My misunderstanding, I thought you could make the referrals.

MR. ARGENIO: And Dominic just said it's a new law so we'll give you a pass on this one but certainly don't do that again. How do you guys feel about the public hearing?

MR. GALLAGHER: Seemed like there was people that showed up at the zoning board.

MR. ARGENIO: Yeah, I think you're right.

MR. SCHLESINGER: Yeah.

MR. ARGENIO: Do we have to vote to schedule that

public hearing?

MR. CORDISCO: Yes.

MR. ARGENIO: I'll accept a motion we schedule a public hearing on Mangiaracina subdivision.

MR. SCHLESINGER: I will make a motion that we schedule a public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for the Mangiaracina subdivision.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Mangiaracina, that public hearing will not affect your timeline, there's too many other technicalities going on here between the SEQRA issue, the Blooming Grove issue and the County Planning issue. I don't think you have a big deal here but there are procedures that the state and county and GML would have us follow so--

MR. CELLA: It's been a long time just can we request that we have the two meetings the same night both in January?

MR. ARGENIO: Oh, yeah, absolutely, no question.

MR. CELLA: Thank you.

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: T/New Windsor

TAX MAP ID: 56-1-56  
(Section-Block-Lot)

Local File #: 05-17  
Please refer to this number in any correspondence.

Project Name: Mangiaracina Minor Subdivision

Applicant: Joann Mangiaracina  
Address: 156 Toleman Road, Washingtonville, NY

Send Copy of Letter to Applicant: (check one)  
Yes ☒ No ☐

Attorney, Engineer, Architect: Taconic Design Consultants, 1 Gardnertown Rd, Newburgh, NY 12550

Location of Site: East side Toleman Road (south of Vineyard Lane)  
(Street, highway, nearest intersection)

Size of Parcel: 32.65

Existing Lots: 1

Proposed Lots/Units: 4

Present Zoning District: R-3

**TYPE OF REVIEW:**

- ☐ Site Plan (SP): \_\_\_\_\_
- ☐ Special Use Permit\* (SUP) \_\_\_\_\_
- ☐ Variance\*      USE (UV): \_\_\_\_\_  
                                 AREA (AV): \_\_\_\_\_
- ☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_
- ☐ Zoning Amendment To Section: \_\_\_\_\_
- ☒ Subdivision: Major \_\_\_\_\_ Minor 4-lot
- ☐ Sketch      ☒ Preliminary      ☐ Final (Please indicate stage)
- ☒ Other Comments: Previously referred to Town ZBA for area type variances

Date: 11-8-07

Mark J. Edsall, P.E. + P.P.      Mark J. Edsall, P.E., P.P.  
Signature      Engineer for the Planning Board

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007

**Myra Mason**

---

**From:** Mark Edsall [mje@mhepc.com]  
**Sent:** Thursday, November 08, 2007 10:22 AM  
**To:** Myra Mason  
**Subject:** Mangiaracina OCDP and T/BG  
**Attachments:** NW05-17-329-nn referral to Town BG 11-08-07.doc; NW05-17-OCDP Ref 11-08-07.doc

Send plans and EAF to OCDP

Send same PLUS copy of OCDP referral to T/BG

*Mark J. Edsall, P.E.*

*Principal*

McGoey Hauser & Edsall  
Consulting Engineers, P.C.  
33 Airport Center Drive - Suite #202  
New Windsor, New York 12553  
(845) 567-3100

11/8/2007





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

8 November 2007

Town of Blooming Grove  
6 Horton Road  
P.O. Box 358  
Blooming Grove, New York 10914

ATT: Supervisor Charles Bohan

SUBJECT: MANGIARACINA MINOR SUBDIVISION  
TOLEMAN ROAD - NEW WINDSOR PLANNING BOARD NO. 05-17

Dear Supervisor Bohan:

The Town of New Windsor Planning Board has received an application for a minor subdivision of a 32+ acre property into four (4) single family lots. The property is located on Toleman Road, at the Town line. The Planning Board has determined that the application is adjacent to the Town Line and, in accordance with GML 239-nn of the State law, a copy of the Orange County Department of Planning Referral form and the plans are being forwarded herewith.

Should you have any concerns or input with regard to this application, I request that you provide a letter to the Planning Board sharing the specifics of your concern/comment at your earliest convenience.

If you have any questions regarding this referral, please do not hesitate to contact the undersigned or the Planning Board office at the number listed above. Thank you for your attention to this matter.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD

*Mark J. Edsall, P.E., P.P.*

Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

MJE/st



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/14/2007

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166  
APPLICANT: JOANN MANGIARACINA

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/20/2005	O.C. PLANNING	/ /	
ORIG	09/09/2005	MUNICIPAL HIGHWAY	11/01/2007	APPROVED
		. CONTRACTOR MUST FOLLOW DRIVEWAY SPECS. DRIVEWAY MUST BE AT		
		. LEAST 30 FEET INTO PROPERTY BEFORE ANY WORK IS COMMENCED TO		
		. PROTECT THE ROAD		
ORIG	09/09/2005	MUNICIPAL WATER	/ /	
ORIG	09/09/2005	MUNICIPAL SEWER	/ /	
ORIG	09/09/2005	MUNICIPAL FIRE	10/26/2007	APPROVED
ORIG	09/09/2005	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/14/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166

APPLICANT: JOANN MANGIARACINA

--DATE-- MEETING-PURPOSE-----ACTION-TAKEN-----

09/14/2005 P.B. APPEARANCE LA: RETURN  
. NOTE ON PLAN "TO BE REMOVED" - MOVE SETBACK TO MEET BUFFER -  
. ALL LOT NUMBMERS DO NOT COINCIDE WITH PERC TESTS - SEND TO  
. O.C. PLANNING

10/06/2004 WORK SHOP APPEARANCE SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/14/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - PA2004-1166  
APPLICANT: JOANN MANGIARACINA

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/09/2005	EAF SUBMITTED	/ /	
ORIG	09/09/2005	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/09/2005	LEAD AGENCY DECLARED	09/14/2005	TOOK LA
ORIG	09/09/2005	DECLARATION (POS/NEG)	/ /	
ORIG	09/09/2005	SCHEDULE PUBLIC HEARING	/ /	
ORIG	09/09/2005	PUBLIC HEARING HELD	/ /	
ORIG	09/09/2005	WAIVE PUBLIC HEARING	/ /	
ORIG	09/09/2005	PRELIMINARY APPROVAL	/ /	
ORIG	09/09/2005		/ /	
ORIG	09/09/2005	LEAD AGENCY LETTER SENT	/ /	

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** Genaro Argenio, Planning Board Chairman

**FROM:** Kenneth Schermerhorn, Asst. Fire Inspector

**SUBJECT:** PB-05-17  
Mangiaracina Subdivision  
SBL: 56-1-56

**DATE:** October 26, 2007

**Fire Prevention Reference Number: FPS-07-023**

**A review of the above referenced subdivision plan has been conducted and is approved.**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: **HIGHWAY DEPARTMENT**

P.B. FILE #**05-17**      DATE RECEIVED: **10-23-07**      TAX MAP #**56-1-56**

**PLEASE RETURN COMPLETED FORM TO MYRA  
BY: 11-11-07 TO BE ON AGENDA FOR THE 11-14-07 PLANNING BOARD  
MEETING.**

THE MAPS AND/OR PLANS FOR:

**RECEIVED**

**MANGIARACINA SUBDIVISION**

Applicant or Project Name

OCT 25 2007

**N.W. HIGHWAY DEPT.**

SITE PLAN \_\_\_\_\_, SUBDIVISION **XXX**, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ **APPROVED:**

Notes: Contractor must follow driveway specifications. Driveway must be  
at least thirty (30) feet into property before any work is commenced  
to protect the road.

☐ **DISAPPROVED:**

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed by \_\_\_\_\_

11/1/07  
date

# Taconic Design

## ENGINEERING, PLLC

3125 ROUTE 9W, NEW WINDSOR, NY 12553

(845) 569-8400 \* Fax (845) 569-4583

### LETTER OF TRANSMITTAL

TO: Town of New Windsor  
Planning Board  
555 Union Avenue  
New Windsor, NY 12553

DATE: 10/23/2007  
FILE: 04066-t20  
ATTENTION: Myra  
JOB #: 04066-MGA

X ENCLOSED

X PLANS  
DISKETTES  
OTHER

X PAPER  
3.5"

VELLUM  
5.25"

X TRANSMITTED

FEDERAL EXPRESS  
U.S. POST OFFICE

UNITED PARCEL SERVICE  
X SHOE LEATHER

SET OF	DATE	NUMBER	DESCRIPTION
8 of 7	10/23/07r	04066-MGA	4 Lot Subdivision for Mangiaracina

56 TOTAL

THESE ARE TRANSMITTED AS NOTED BELOW:

X FOR APPROVAL  
FOR INFORMATION  
AS REQUESTED  
FOR REVIEW AND COMMENTS

REMARKS: PB App #05-17

SENT BY: JJC

RECEIVED BY: \_\_\_\_\_

**New York State Department of Environmental Conservation  
Notice of Incomplete Application - This is NOT a Permit**

Application ID: 3-3348-00233/00001

Batch Number: 959523

Facility: MANGIARACINA 4 LOT SUBDIVISION  
122 TOLEMAN RD  
NEW WINDSOR, NY 10922

10/18/07  
# 05-17

cc: DL  
ME

Applicant: JOANN MANGIARACINA  
156 TOLEMAN RD  
WASHINGTONVILLE, NY 10992

Owner ID: 1517140

Permit(s) Applied for: 1 - Article 24 Freshwater Wetlands

Project Location: in NEW WINDSOR in ORANGE COUNTY

---

**Your application for Permit is incomplete. The following items are required:**

The resubmitted plans are under review. Please note that as previously stated in the Notice of Incomplete Application from June 27, 2007, the application will remain incomplete until a SEQR determination from the Town of New Windsor Planning Board is received - either a Negative declaration or a Draft Environmental Impact Statement accepted for review.

---

cc: Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat

**Please submit requested information by \_\_\_\_\_  
No further action can be taken until all of these materials are received.**

Contact Person:

REBECCA S CRIST  
NYSDEC  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561

Signature: \_\_\_\_\_

Date: October 15, 2007

Telephone Number: (845) 256-3054  
3040



**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 05-17

DATE: 7-20-07

APPLICANT:

**Joan Mangiaracina**  
**156 Toleman Road**  
**Washingtonville, NY 10992**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 9-1-04

FOR: SUBDIVISION

LOCATED AT: Toleman Road

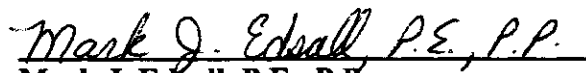
ZONE: R-3

DESCRIPTION OF EXISTING SITE: SEC: 56 BLOCK: 1 LOT: 56

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Barn and Silo on Proposed Lot #4 exceed height for accessory building (15 ft) as referenced in Sect 300-11 and therefore must meet side yard setback of 40 ft. Variance of 32.7 ft. required for silo, and 15.7 ft. required for barn. -**

TOWN OF NEW WINDSOR CODE: Bulk Tables – Section 300-8

  
Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **05-17**

ZONE: **R-3**

USE:     

**LOT #4**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (Gross)			
MIN. LOT AREA (Net)			
MIN. LOT WIDTH			
REQUIRED FRONT YARD			
<b>REQUIRED SIDE YARD - SILO</b>	40 ft.	2.3 ft	37.7 ft.
<b>REQUIRED SIDE YARD - BARN</b>	40 ft.	24.3 ft.	15.7 ft.
REQUIRED REAR YARD			
REQUIRED FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEVELOPMENTAL COVERAGE			
O/S PARKING SPACES			

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhapa@mhepc.com

*Writer's E-mail Address:*  
mje@mhepc.com

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

TOWN/VILLAGE OF:

New Windsor

P/B APP. NO.: 100-3

05.17

WORK SESSION DATE:

19 July 2007

PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED:

Not now

RESUB. REQ'D:

PROJECT NAME:

Mangialacina

REPRESENTATIVES PRESENT:

Johnathan

MUNICIPAL REPS PRESENT:

BLDG INSP.

FIRE INSP.

P/B CHMN

PB ATTY.

PLANNER

OTHER

MHE REP (MJE) (Other)

bu

ITEMS DISCUSSED:

Myra give me copies of 2 DEC letters  
Ready to go to ZBA  
mje to pref referral  
I have plans

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT  
TYPE

SITE PLAN

SPEC PERMIT

L I CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting Y N

Recommended Mtg Date

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

June 27, 2007

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete Application**

Dear Ms. Mangiaracina:

The Department of Environmental Conservation (DEC) has reviewed the information submitted in reference to the above application. You have proposed to subdivide this parcel into 4 lots and to construct three new single-family residences, with a portion of the access road for Lot 1 within the 100-foot Adjacent Area of NYS Freshwater Wetland MB-28 (Class II).

In my previous Notice of Incomplete and Intent to Deny, I indicated that the Department's preliminary position was that the application did not meet issuance standards because the disturbance was avoidable prior to the 2003 subdivision. It was suggested that a lot line change or right-of-way be sought from the adjacent landowner. In a letter received April 2, 2007, Gary Mangiaracina, the owner of the adjacent lot, expressed his unwillingness to allow such a change or easement. Therefore, given the relatively small size of the disturbance, DEC has revised its position and will consider issuance of a permit, provided the following changes are made to the plans:

- 1) The boundary of the wetland Adjacent Area on all four lots shall be marked by one of the following:
  - a) A fence of tree line such as constitutes a permanent barrier to disturbance.
  - b) A line of Carsonite Markers, no less than 50 feet apart and marking each angle, which clearly identify that the area is regulated by New York State as the 100-foot boundary of the wetland Adjacent Area. (see example enclosed)The final subdivision plan must depict this requirement.
- 2) All portions of the Adjacent Area on all four lots, excepting the access drive on Lot 1, must be allowed to re-vegetate and shall be specifically identified on the subdivision plan as no-mow areas.
- 3) The Freshwater Wetland Validation Block, with Doug Gaugler's signature, must appear on the final subdivision plan along with the boundaries of NYS-regulated Freshwater Wetland MB-28

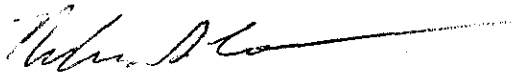
Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete Application**

and associated 100-foot Adjacent Area. Submission to the Department of the final subdivision plan, with all pertinent details, will be a condition of any permit issued.

- 4) As a condition of any permit issued, the Department will require the addition of a deed notice on all four lots advising future owners of the presence of NYS-regulated Freshwater Wetland and/or 100-foot Adjacent Area.

Please submit two copies of revised plans to my attention. The application is still incomplete pending receipt of the SEQR determination from the Town of New Windsor Planning Board. Per 6 NYCRR Part 621.4 j, this is a major project. Once the application is deemed complete, it will be required to undergo 15 days of public notice. Any comments received must be addressed before a final permit decision is made. If you have any questions, please feel free to contact me at (845) 256-3040 or the above address.

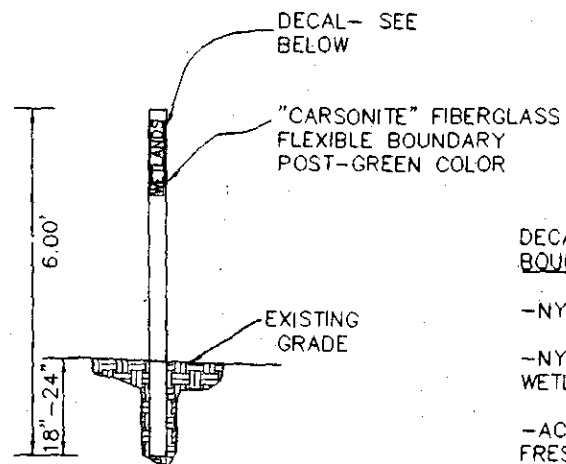
Sincerely yours,



Rebecca Crist  
Environmental Analyst

Enc: Example of Carsonite Wetland Marker

Cc: Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat



DECAL IS SPECIFIC FOR  
BOUNDARY TO BE IDENTIFIED:

-NYSDEC FRESHWATER BOUNDARY

-NYSDEC PROTECTED  
WETLAND ADJACENT AREA

-ACOE PROTECTED  
FRESHWATER WETLAND  
BOUNDARY

#### **WETLAND MARKER DETAIL**

##### **NOTES:**

Markers shall be placed at a minimum of every 50 feet and at all break points along the 100-foot wetland Adjacent Area boundary.

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 3

21 South Platt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



March 19, 2007

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete and Intent to Deny**

Dear Ms. Mangiaracina:

The Department of Environmental Conservation (DEC) has reviewed the information submitted February 23, 2007 in reference to the above application. You have proposed to subdivide this parcel into 4 lots and to construct three new single-family residences, with a portion of the access road for Lot 1 within the 100-foot Adjacent Area of NYS Freshwater Wetland MB-28 (Class II). It is DEC's belief that this proposal does not meet permit issuance standards and it is the Department's intent to deny the application as currently proposed.

Construction of a road within a NYS Regulated Freshwater Wetland Adjacent Area is usually incompatible with wetland functions and benefits<sup>1</sup>. The road is deemed necessary because of the failure to get suitable percolation tests on the west side of the proposed parcel and because of the configuration of the existing lot line to the southwest. As shown on the tax maps and deeds submitted, the parcel to the southwest, Tax Parcel 56-1-57, was subdivided from this property in 2003. There is no record that the Department was consulted at the time regarding the subdivision, although the wetlands had been delineated in May of that year by Doug Gaugler, DEC Bureau of Habitat.

It appears that practicable alternatives, which would have allowed access to the southeast portion of the current property without disturbance to the Adjacent Area, existed on this site at the time the 2003 subdivision was proposed and under local review. The lack of consultation with the Department during the previous subdivision does not eliminate the practicable alternatives that existed at that time.

Therefore it is the Department's preliminary position that any applications for permit to construct roads at this location within the Adjacent Area or Freshwater Wetland for the purpose of accessing the south eastern portion of this property, a disturbance which could have been avoided prior to the 2003 subdivision, will not meet permit issuance standards and will be denied.

---

<sup>1</sup> 6 NYCRR Part 663.4

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete and Intent to Deny**

The Department is willing to consider permitting improvement to the existing farm road, which would result in no substantial disturbance to the Adjacent Area. However it appears that this would require a lot line change or establishment of an easement on Lot 56-1-57. (See enclosed)

Please note your letter of February 23, 2007 states that the Town of New Windsor is awaiting DEC's issuance of a Freshwater Wetland permit to make its determination under the State Environmental Quality Review (SEQR). However, per Uniform Procedures, 6 NYCRR Part 621.3 (7), an application for permit pursuant to the Environmental Conservation Law (ECL) can not be considered complete until a SEQR Negative Declaration is filed or a Draft Environmental Impact Statement is accepted for review by the lead agency. The Town Planning Board **must** make a SEQR determination **before** DEC makes a permit decision. However, if revised plans are submitted which the Department finds acceptable, than the DEC is willing to indicate to the town its satisfaction.

If you wish to pursue this application with a modified access drive, please resubmit with proof of a lot line change or easement. If the Department does not receive a response by April 30, 2007, we will consider the application suspended pending a SEQR determination. If you have any questions, please feel free to contact me at 845 256-3040 or the above address.

Sincerely yours,

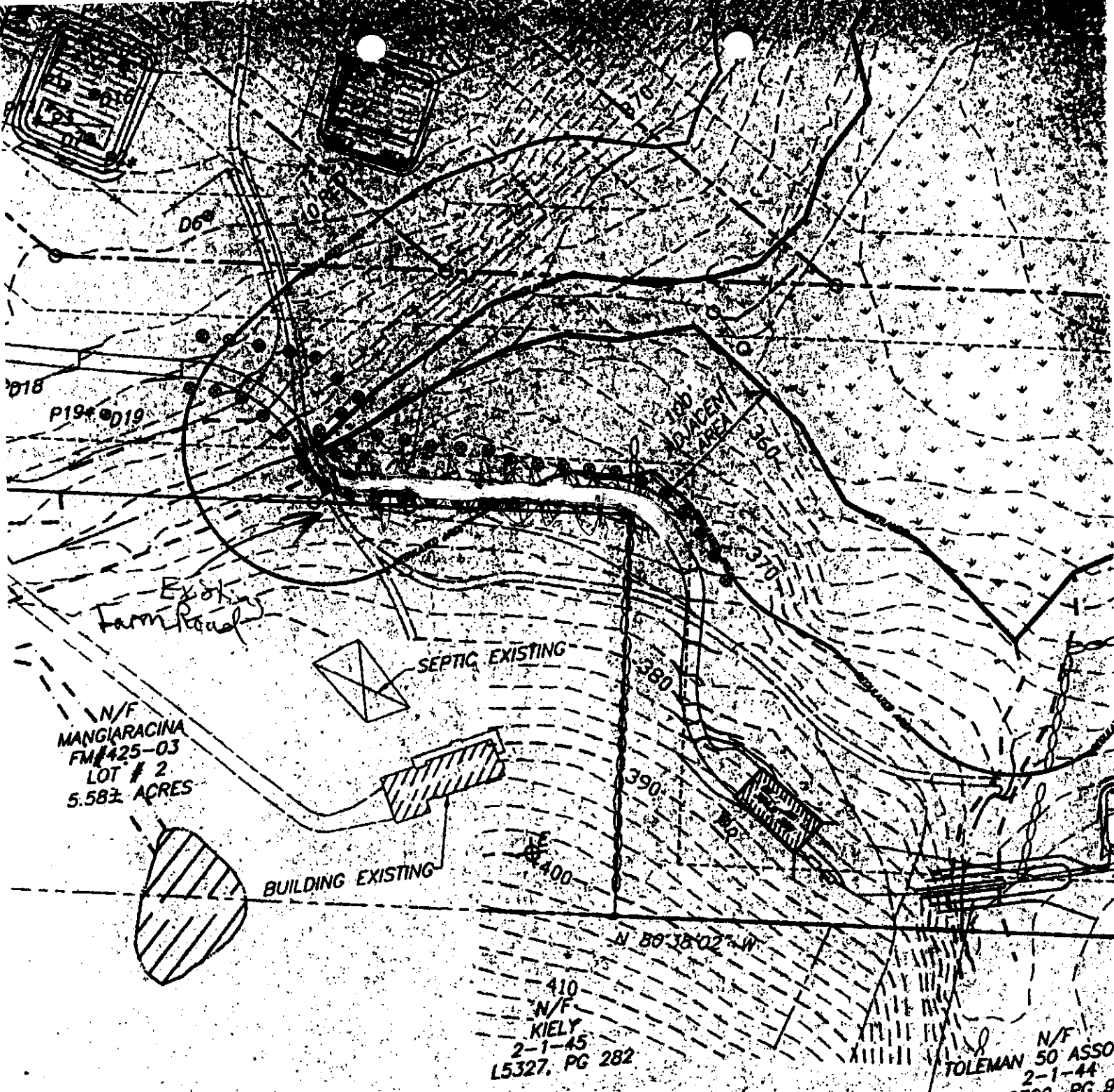


Rebecca Crist  
Environmental Analyst

Enc: Copy of Sheet 2 of '4 lot Subdivision Sketch Plan for: Mangiaracina', Site Plan

Cc. Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat





N/F  
MANGIARACINA  
FM#425-03  
LOT # 2  
5.58± ACRES

410  
N/F  
KIELY  
2-1-45  
L5327, PG 282

N/F  
TOLEMAN 50 ASSO  
2-1-44  
L2799, PG 9:

FEDERAL WETLAND  
DISTURBANCE / FILL  
1,111.63 s.f.  
TOTAL WETLAND FILL/DISTURBANCE:  
2,361.91 s.f.  
(INCLUDING DISTURBANCE PER  
PREVIOUS SUBDIVISION F.M.#425-03)

MEMO FOR FILE

SPOKE TO: JONATHAN AT TACONIC

BY: PHONE  
(LETTER, PHONE, IN PERSON, ETC.)

REGARDING: MANGIARACINA 05-17

DATE: JANUARY 23, 2007

MESSAGE: ASKED HIM WHAT THE STATUS OF THIS  
WAS. HE SAID HE IS STILL WORKING WITH DEC FOR THEIR  
APPROVAL. HE HAS TO GET THEM SOME MORE INFORMATION  
AS PER THE NOTICE FROM THEM ON 12-18-06.

MYRA MASON, SECRETARY

1/23/07  
cc: Mark

**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: www.dec.state.ny.us



84866

March 19, 2007

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete and Intent to Deny**

Dear Ms. Mangiaracina:

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Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete and Intent to Deny**

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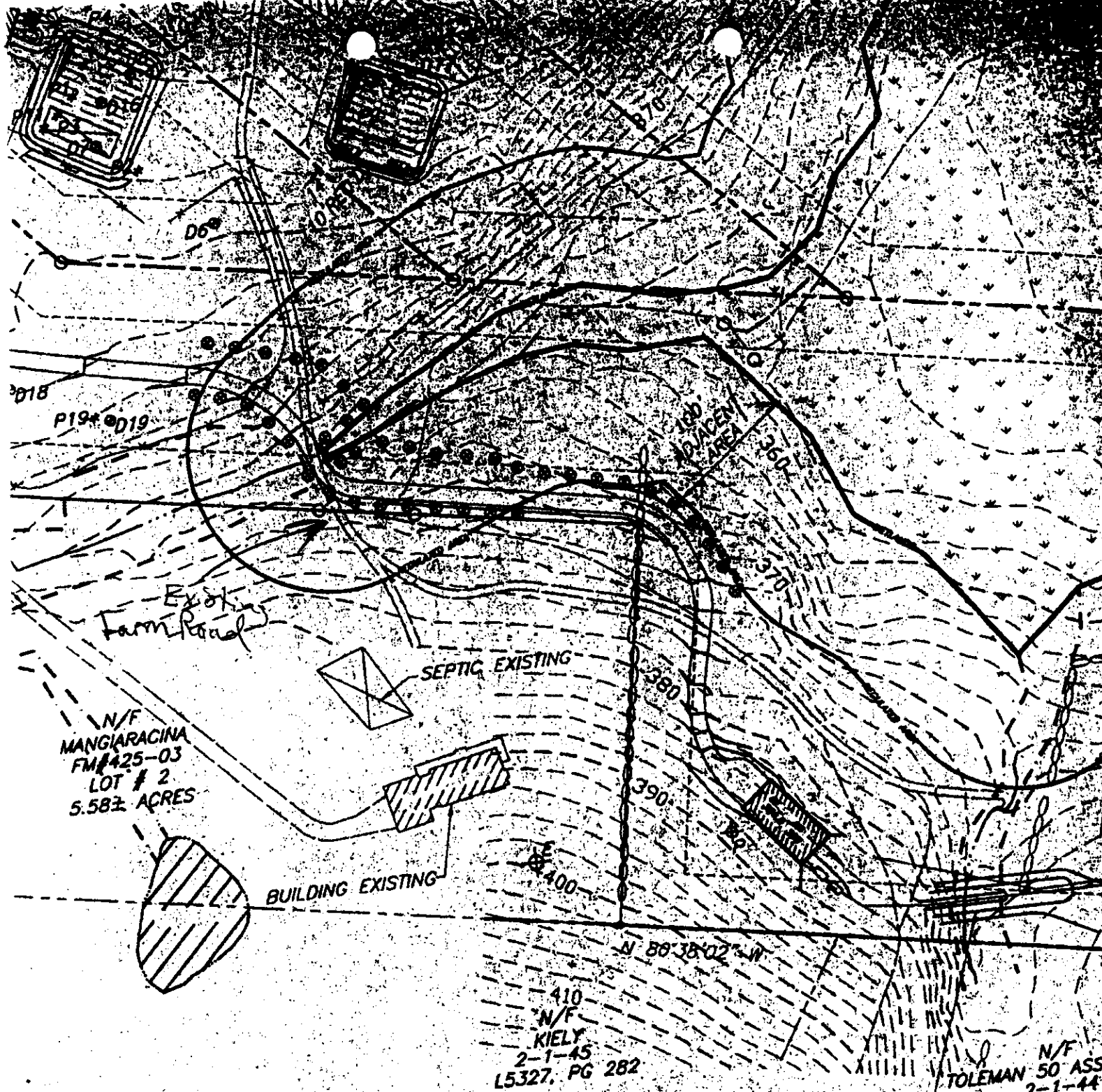
Sincerely yours,



Rebecca Crist  
Environmental Analyst

Enc: Copy of Sheet 2 of '4 lot Subdivision Sketch Plan for: Mangiaracina', Site Plan

Cc. Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat



N/F  
MANGIARACINA  
FM#425-03  
LOT # 2  
5.58± ACRES

SEPTIC EXISTING

BUILDING EXISTING

410  
N/F  
KIELY  
2-1-45  
L5327, PG 282

FEDERAL WETLAND  
DISTURBANCE / FILL  
1,111,63 s.f.  
TOTAL WETLAND FILL/DISTURBANCE:  
2,361,91 s.f.  
(INCLUDING DISTURBANCE PER  
PREVIOUS SUBDIVISION F.M.#425-03)

N/F  
TOLEMAN 50 ASSO  
2-1-44  
L2799, PG 6

845-269-4583

04066-M6A

**New York State Department of Environmental Conservation****Division of Environmental Permits, Region 3**

21 South Platt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: [www.dec.ny.gov](http://www.dec.ny.gov)Alexander B. Granata  
Commissioner

June 27, 2007

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision, Tax Parcel ID 56-1-56  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
Notice of Incomplete Application

Dear Ms. Mangiaracina:

The Department of Environmental Conservation (DEC) has reviewed the information submitted in reference to the above application. You have proposed to subdivide this parcel into 4 lots and to construct three new single-family residences, with a portion of the access road for Lot 1 within the 100-foot Adjacent Area of NYS Freshwater Wetland MB-28 (Class II).

In my previous Notice of Incomplete and Intent to Deny, I indicated that the Department's preliminary position was that the application did not meet issuance standards because the disturbance was avoidable prior to the 2003 subdivision. It was suggested that a lot line change or right-of-way be sought from the adjacent landowner. In a letter received April 2, 2007, Gary Mangiaracina, the owner of the adjacent lot, expressed his unwillingness to allow such a change or easement. Therefore, given the relatively small size of the disturbance, DEC has revised its position and will consider issuance of a permit, provided the following changes are made to the plans:

- 1) The boundary of the wetland Adjacent Area on all four lots shall be marked by one of the following:
- a) A fence of tree line such as constitutes a permanent barrier to disturbance.
  - b) A line of Carsonite Markers, no-less than 50 feet apart and marking each angle, which clearly identify that the area is regulated by New York State as the 100-foot boundary of the wetland Adjacent Area. (see example enclosed)

The final subdivision plan must depict this requirement.

- 2) All portions of the Adjacent Area on all four lots, excepting the access drive on Lot 1, must be allowed to re-vegetate and shall be specifically identified on the subdivision plan as no-mow areas.

3) The Freshwater Wetland Validation Block, with Doug Gaugler's signature, must appear on the final subdivision plan along with the boundaries of NYS-regulated Freshwater Wetland MB-28

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete Application**

and associated 100-foot Adjacent Area. Submission to the Department of the final subdivision plan, with all pertinent details, will be a condition of any permit issued.

- 4) As a condition of any permit issued, the Department will require the addition of a deed notice on all four lots advising future owners of the presence of NYS-regulated Freshwater Wetland and/or 100-foot Adjacent Area.

Please submit two copies of revised plans to my attention. The application is still incomplete pending receipt of the SEQR determination from the Town of New Windsor Planning Board. Per 6 NYCRR Part 621.4 j, this is a major project. Once the application is deemed complete, it will be required to undergo 15 days of public notice. Any comments received must be addressed before a final permit decision is made. If you have any questions, please feel free to contact me at (845) 256-3040 or the above address.

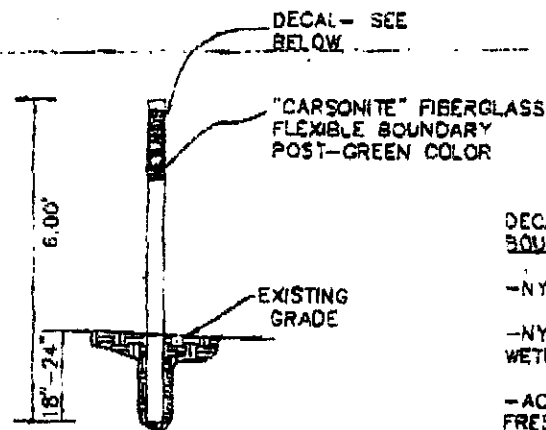
Sincerely yours,



Rebecca Crist  
Environmental Analyst

Enc: Example of Carsonite Wetland Marker

Cc. Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat



DECAL IS SPECIFIC FOR  
BOUNDARY TO BE IDENTIFIED:

-NYSDEC FRESHWATER BOUNDARY

-NYSDEC PROTECTED  
WETLAND ADJACENT AREA

-ACOE PROTECTED  
FRESHWATER WETLAND  
BOUNDARY

#### WETLAND MARKER DETAIL

NOTES:

Markers shall be placed at a minimum of every 50 feet and at all break points along the 100-foot wetland Adjacent Area boundary.



## Myra Mason

---

**From:** mje [mje@mhepc.com]  
**Sent:** Tuesday, January 23, 2007 9:52 AM  
**To:** Myra Mason  
**Subject:** Re: NW05-17 MANGIARACINA

my last recollection is that they need to send us corrected plans, not just plans, CORRECTED PLANS.

Mark J. Edsall, P.E., Principal  
McGoey, Hauser & Edsall, Consulting Engineers, P.C.  
33 Airport Center Drive - Suite #202  
New Windsor, New York 12553  
(845) 567-3100

----- Original Message -----

From: "Myra Mason" <mmason@town.new-windsor.ny.us>  
To: <mje@mhepc.com>  
Sent: Mon, 22 Jan 2007 11:57:01 -0500  
Subject: NW05-17 MANGIARACINA

> *Mark;*

>

> *Can you tell me what the status of your files is for Mangiaracina 05-17. The last I have, you needed corrected plans from Jonathan at Taconic. Not sure if you ever got those or what we are waiting for.*

>

> *Thank you,*

>

> *me*

----- End of Original Message -----

1/23/2007

**Myra Mason**

---

**From:** Myra Mason  
**Sent:** Monday, January 22, 2007 11:57 AM  
**To:** 'mje@mhepc.com'  
**Subject:** NW05-17 MANGIARACINA

*Mark;*

*Can you tell me what the status of your files is for Mangiaracina 05-17. The last I have, you needed corrected plans from Jonathan at Taconic. Not sure if you ever got those or what we are waiting for.*

*Thank you,*

*me*

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1620

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Commissioner

December 18, 2006

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete Application**

Dear Ms. Mangiaracina;

The above referenced application to the Department of Environmental Conservation (DEC) for a permit pursuant to Article 24 of the Environmental Conservation Law, Freshwater Wetlands, remains incomplete.

The following items, previously requested, have not been submitted:

- 1) Documentation related to the history of this property, including filed subdivision plats, dates of subdivision, ownership, and other relevant information going back at least to 1980.
- 2) Please also clarify the status of **this** subdivision. Note that all final subdivision plats should include a signed DEC Validation Block. Doug Gaugler, DEC Bureau of Habitat, has signed the Validation Block and provided a copy to the Division of Environmental Permits.

In addition, please provide the following:

- 3) Deep-pit test locations and results for the portion of the Lot 1 parcel near Toleman Road, referred to in item 1 of Jonathan Cella's letter of October 2, 2006.
- 4) Status the State Environmental Quality Review (SEQR) process. If a Determination of Impact has been made by the Town of New Windsor Planning Board, please forward a copy. The application can not be considered complete until a SEQR determination is made.

The Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and determined to meet the standards under SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01). Please note that per Part 1 D #7 "Authorization Under This General Permit", all other permits must be issued before coverage under the General Permit is authorized, so no work on any lot may be undertaken until the Freshwater Wetland permit is issued.

If you have any questions, please feel free to contact me at 845 256-3040 or the above address.

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County  
**Notice of Incomplete Application**

Sincerely yours,



Rebecca Crist  
Environmental Analyst

Cc. Jonathan Cella, Taconic Design  
Town of New Windsor Planning Board  
Doug Gaugler, DEC Bureau of Habitat

## **Myra Mason**

---

**From:** mje [mje@mhepc.com]  
**Sent:** Friday, July 07, 2006 12:15 PM  
**To:** Myra Mason  
**Subject:** Mangiaracina 05-17

Myra

I reviewed the latest plan which you sent me on June 19th. The plan STILL DOES NOT HAVE a sanitary system on lot #4.

THIS WAS BROUGHT TO THEIR ATTENTION NUMEROUS TIMES, MOST RECENTLY ON MAY 19th.

As the plan is currently submitted, Lot #4 is NOT a residential lot and therefore can not be forwarded to the ZBA on that basis.

THE PLANS ARE STILL WRONG !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

mark

Mark J. Edsall, P.E., Principal  
McGoey, Hauser & Edsall, Consulting Engineers, P.C.  
33 Airport Center Drive - Suite #202  
New Windsor, New York 12553  
(845) 567-3100

**SUBMITTAL HISTORY FOR**  
**PLANNING BOARD FILE #05-17**

APPLICANT:MANGIARACINA

DATE RECEIVED: 06-16-06

ITEM RECEIVED: TWO COPIES OF REVISED PLAN FOR ZBA REFERRAL

DISTRIBUTION: ONE COPY TO MARK FOR REFERRAL

RESULTS: \_\_\_\_\_

**Taconic Design  
CONSULTANTS**

633 GIDNEY AVENUE\* NEWBURGH, NY 12550  
(845) 569-8400 \* Fax (845) 569-4583

6/19/06  
Sent 1 Copy to  
Mark  
for ZBA  
Referral.  
(2)

**LETTER OF TRANSMITTAL**

TO: Town of New Windsor PB  
555 Union Avenue  
New Windsor, NY 12553  
\_\_\_\_\_

DATE: 6/16/2006  
FILE: 04066-t11  
ATTENTION: Myra  
JOB #: 04066-MGA

X ENCLOSED

<u>X</u>	PLANS	<u>X</u>	PAPER	_____	VELLUM
_____	DISKETTES	_____	3.5"	_____	5.25"
_____	OTHER	_____	_____	_____	_____

X TRANSMITTED

_____	FEDERAL EXPRESS	_____	UNITED PARCEL SERVICE
_____	U.S. POST OFFICE	<u>X</u>	SHOE LEATHER

SET OF	DATE	NUMBER	DESCRIPTION
2 of 5	6/14/06r	04066-MGA	Mangiaracina-4 Lot Subdivision-Toleman Road

10 TOTAL

THESE ARE TRANSMITTED AS NOTED BELOW:

x FOR ZONING BOARD REFERRAL  
\_\_\_\_\_ FOR INFORMATION  
\_\_\_\_\_ AS REQUESTED  
\_\_\_\_\_ FOR REVIEW AND COMMENTS

REMARKS: PB No 05-17  
\_\_\_\_\_  
\_\_\_\_\_

SENT BY: JJC

RECEIVED BY: \_\_\_\_\_

## Myra Mason

---

**From:** mje [mje@mhepc.com]  
**Sent:** Friday, May 19, 2006 11:37 AM  
**To:** Myra Mason  
**Subject:** Mangiaracina 05-17

Myra

I just spoke to Charlie Brown. The "new" plans STILL DO NOT show a sanitary system on lot #4. I expained (AGAIN) that they need to show either the existing system OR a new system.... SOMETHING... so all lots can be considered residential lots.

He said he will resubmit, AGAIN.

mark

Mark J. Edsall, P.E., Principal  
McGoey, Hauser & Edsall, Consulting Engineers, P.C.  
33 Airport Center Drive - Suite #202  
New Windsor, New York 12553  
(845) 567-3100



# **New York State Department of Environmental Conservation**

## **Division of Environmental Permits, Region 3**

21 South Putt Corners Road, New Paltz, New York 12561-1696

Phone: (845) 256-3054 FAX: (845) 255-3042

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Commissioner

May 9, 2006

Joann Mangiaracina  
156 Toleman Road  
Washingtonville, NY 10992

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County

Dear Ms. Mangiaracina;

The above referenced application to the Department of Environmental Conservation (DEC) for a permit pursuant to Article 24 of the Environmental Conservation Law, Freshwater Wetlands, is currently incomplete. Please be aware that the construction of a driveway and the placement of fill within a NYS freshwater wetland regulated 100-foot adjacent area is generally incompatible with permit issuance and must meet the permit issuance standards contained in NYCRR Part 663.5. In order to meet the regulatory permit standards, you must demonstrate that impacts to the regulated areas will be avoided and minimized to the maximum extent practicable.

Please provide the following:

- 1) Justification for the location of the house on lot 1. It appears that ample space exists to place the house closer to Toleman Road, as is proposed for lots 2-4.
- 2) Justification for not providing access outside the regulated area by reconfiguring the lot marked "N/F Mangiaracina FM #425-03 Lot # 2". Include documentation related to the history of this property, including filed subdivision plats, dates of subdivision, ownership and other relevant information. Please also clarify the status of this subdivision. Note that all final subdivision plats should include a signed DEC Validation Block.

This information will be evaluated by the Department relative to permit issuance standards and the ability to avoid the loss of wetland benefits.

Please note that this project requires coverage under the General Permit for Stormwater Discharges from Construction Activity (GP-02-01). Even if not otherwise required, when a Freshwater Wetland disturbance is proposed, it is the Department's policy to require a full Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must be submitted for review by DEC Division of Water staff, and must be approved prior to the issuance of the Freshwater Wetland Permit. Per GP-02-01, Part 1 D #7 "Authorization Under This General Permit", all other permits must be issued before coverage under the General Permit is authorized.

Re: Mangiaracina 4 Lot Subdivision  
DEC Application Number: 3-3348-00233/00001  
Freshwater Wetland: MB-28  
Town of New Windsor, Orange County

Before proceeding further with this application, DEC requests that this information be provided. Additional information may be requested in the future. If you have any questions, please feel free to contact me at 845 256-3040 or the above address.

Sincerely yours,



Rebecca Crist  
Environmental Analyst

Cc. Town of New Windsor Planning Board  
Doug Gaugler



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

**MEMORANDUM**

(via fax)

18 April 2006

**TO: TACONIC DESIGN**

**FROM: MARK J. EDSALL, P.E., ENGINEER FOR THE PLANNING BOARD**

**SUBJECT: MANGIARACINA SUBDIVISION – NEW WINDSOR 05-17**

I have received the latest plan submitted for preparation of the referral to the ZBA. The plan is dated (last revision) 4-5-06. The plan proposes four (4) lots; however, the use for Lot #4 is still not clear as no sanitary design is indicated for the lot. Therefore, we can not consider it a single family residential lot, which is the zoning indicated on the bulk table.

In my discussion with Jonathan on 2-1-06, we discussed this issue. I was advised that the subdivision would either have Lot #4 deed restricted as an agricultural lot (which has different bulk requirements), or one lot would be eliminated.

The plans are still depicting a lot that doesn't have a clear use.

We can not make the necessary referral until you correct the plan. When you make your decision, and make a new submittal, **YOU SHOULD SUBMIT THE PLAN THRU MYRA AT THE PLANNING BOARD OFFICE. Any plans submitted directly to our office will be discarded without review.**

cc: Myra Mason, PB Secretary

**REGIONAL OFFICES**

• 111 WHEATFIELD DRIVE -- SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 610-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3599 •



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mhenry@mhepc.com

☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

**Writer's E-mail Address:**  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor

P/B APP. NO.: 05-17

WORK SESSION DATE: 1 Feb 06

PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: not now

RESUB. REQ'D: for ZBA ref

PROJECT NAME: Marylinda Sch.

REPRESENTATIVES PRESENT: brain mla

**MUNICIPAL REPS PRESENT:**

BLDG INSP.  
ENGINEER X  
P/B CHMN

FIRE INSP. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

**ITEMS DISCUSSED:**

prefing for ZBA.  
need corrected plans.  
former lot #1 - they wanted  
temp ag status - no -  
combine w/ adjoining lot the  
crisside.  
add acc setback height  
to table  
Not coming in for up or  
meeting - corrected  
plan to be reviewed  
for ZBA ref.

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_  
DUMPSTER \_\_\_\_\_  
SCREENING \_\_\_\_\_  
LIGHTING \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

**PROJECT  
TYPE**

SITE PLAN  
SPEC PERMIT  
L L CHG.  
SUBDIVISION  
OTHER

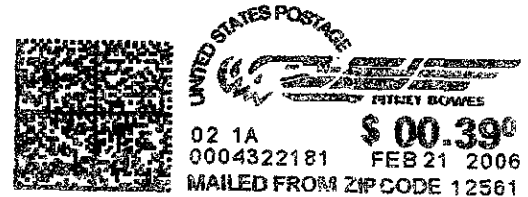
**PROJECT STATUS:**

ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N

Recommended Mtg Date \_\_\_\_\_

(fold #2)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL PERMITS  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ NY 12561



MICHAEL NOWICKI  
1248 SOUTHFORD RD  
SOUTHBURY, CT 06488

06488+4413-4B R010



(fold #1) — staple here

#### NOTICE OF RECEIPT OF APPLICATION

The Division of Environmental Permits has received the application referenced below. The material submitted is being reviewed by staff, and you will be advised in writing regarding the department's findings. In all future communications, please refer to the Application ID number.

**Application ID:** 3-3348-00233/00001

**Date Received:** February 15, 2006

**Applicant:** JOANN MANGIARACINA

**Facility:** MANGIARACINA 4 LOT SUBDIVISION

**Description:** 4 lot subdivision with driveway in AA of FW#MB-28

**DEC Contact:** REBECCA S CRIST

**Taconic Design  
CONSULTANTS**

633 GIDNEY AVENUE\* NEWBURGH, NY 12550  
(845) 569-8400 \* Fax (845) 569-4583

**LETTER OF TRANSMITTAL**

TO: Town of New Windsor Planning Dept  
555 Union Avenue  
New Windsor, NY 12553

DATE: 3/1/2006

FILE: 04066-t6

ATTENTION: Myra

JOB # : 04066-MGA

X ENCLOSED

X PLANS

X PAPER

VELLUM

DISKETTES

3.5"

5.25"

OTHER

X TRANSMITTED

FEDERAL EXPRESS

UNITED PARCEL SERVICE

X U.S. POST OFFICE

SHOE LEATHER

SET OF	DATE	NUMBER	DESCRIPTION
1 each	2/21/2006	04066-MGA	Receipt of Application by DEC

1 TOTAL

THESE ARE TRANSMITTED AS NOTED BELOW:

FOR APPROVAL

X FOR INFORMATION

AS REQUESTED

FOR REVIEW AND COMMENTS

REMARKS: PB No 05-17

SENT BY: JJC

RECEIVED BY: \_\_\_\_\_



PROJECT: Mangiaracina Subdivision P.B. # 05-17

**NEGATIVE DEC:**

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_  
CARRIED: Y\_\_\_\_N\_\_\_\_

Note on plan "to Be Removed" - Lot #3 or 4 through property line.

Move setback to meet Buffer.

All lot numbers do not coincide with perc tests.

Send to O.C. Planning

MANGIARACINA\_SUBDIVISION\_(05-17)

---

MR. PETRO: Number 3 under regular items Mangiaracina subdivision on Toleman Road. Proposed four lot residential subdivision.

MR. MANGIARACINA: The engineer isn't here yet.

MR. PETRO: I'll go to Windsor Gate and I'll come back to you. Well, why don't you tell us what you want to do. Proposed 4 lot residential subdivision. This application proposes subdivision of 32 acre parcel into four single family residential lots. Plan was reviewed on a concept basis only, district required, bulk information in the plan is correct for the zone and use provided, bulk information appears reasonable and however you have three bullets that you have to go over, lot width for lot number 4, frontage on 4 and width on one.

MR. MANGIARACINA: Basically, my house is over here and my one son's house is on the extreme right-hand side of the property and I have a second son, my second son is living in this small home right now on the property and that's all the biggest parcel, I want to divide that up and he wants to build a regular home on one of the parcels so while I'm subdividing it I was going to subdivide.

MR. PETRO: Outline your entire lot with your finger.

MR. MANGIARACINA: This.

MR. PETRO: Where is the subdivision line?

MR. MANGIARACINA: These four includes one of the existing ones.

MR. PETRO: First one's existing with the house obviously?



MR. MANGIARACINA: That's correct.

MR. EDSALL: Mark, let's go over some of the facts, I guess the bulk table is correct so the lots are conforming.

MR. EDSALL: The lots are conforming except for I'm not sure on lot 4 because there seems to be some errors in the bulk table so the surveyor would have to confirm that lot 4 meets the zoning.

MR. PETRO: What would the error be because of the wetlands you mean?

MR. EDSALL: Just the way they are, it's showing a lot width of 204 foot, there's no possible way that there's 204 foot lot width in the front.

MR. ARGENIO: I see 164.

MR. EDSALL: You've got 16.70.

MR. ARGENIO: Okay, I see that, yes.

MR. EDSALL: So I want to make sure that in fact that 1670 is correctly, part of that lot and then--

MR. ARGENIO: Looks like it's part of the driveway, Mr. Chairman, on the north side, see it there?

MR. PETRO: I see, it's that little tiny spot there.

MR. ARGENIO: Yes.

MR. EDSALL: So it would seem to meet zoning but the surveyor has to do some additional corrections on the bulk table then we'll know for sure.

MR. PETRO: What's the barn on that lot number 3, are

you going to remove that?

MR. MANGIARACINA: It's a very small wooden barn, yes.

MR. PETRO: Going to be removed?

MR. MANGIARACINA: Yes.

MR. PETRO: You have to put a note on the plan to be removed, probably write these things down there.

MR. MANGIARACINA: There he is.

Mr. Charlie Brown appeared before the board for this proposal.

MR. ARGENIO: Thanks for coming, Charlie.

MR. MANGIARACINA: I just explained briefly what I intend to do with the lots.

MR. ARGENIO: We're discussing the barn on lot 3.

MR. BABCOCK: There's also a barn on lot 4.

MR. EDSALL: Four is the barn that has the compliance problem.

MR. ARGENIO: And the barn on lot 3 is not a problem, Mark?

MR. EDSALL: No, one's the building height is greater than what's permitted for an accessory structure then it has to be considered a principal structure and has to meet the same setbacks as a new residence would. If you look at drawing 2 of this set, you can see that the barn on lot 3 is within the billable envelope, but if you look at lot 4, it's too close to the side line so therein lies the problem.

September 14, 2005

11

MR. PETRO: Which barn is being taken down?

MR. MANGIARACINA: Small wooden one.

MR. PETRO: That's the one that goes through the property line. Just add a note to the plan to be removed.

MR. BROWN: Will do.

MR. PETRO: All the buildable envelopes are outside the wetland buffer zone?

MR. EDSALL: Well, the envelope is showing what's permitted by zoning but obviously, they can't build within the wetlands area.

MR. BROWN: I can move that back to coordinate it with the buffer.

MR. PETRO: Entertain a motion to be lead agency.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Mangiaracina minor subdivision on Toleman Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

September 14, 2005

12

MR. PETRO: The percolation data have inconsistencies, want to go over that, Mark?

MR. BROWN: They were witnessed.

MR. PETRO: How can they not be correct, what's the problem?

MR. EDSALL: They were witnessed but on the plan lot 1 in the field is shown as lot 2 and similarly lot 2 is on the plan as lot 3 and lot 3 in the field is now shown as lot 4 so all the number are switched around.

MR. ARGENTIO: So the inconsistencies lie in the numbering of the lots?

MR. EDSALL: Numbering is wrong, lot 4 the field notes halfway through had an 8 minute perc but then if you look at the entire field notes, it was actually a greater perc so they don't reflect the final number for lot 4.

MR. PETRO: Okay.

MR. BROWN: We'll adjust those. The design rate was 30 minutes for that particular one so there's no affect on the field itself.

MR. PETRO: Do you have a copy of Mark's comments? Take them with you. This project is within 500 feet of the Town line of Blooming Grove so you're going to have to go to Orange County Planning Department, New York, under New York State General Municipal Law. I have no further comments at this time. Any further board members? Mark, do you have anything else for tonight with this? I don't see anything else.

MR. EDSALL: No, I don't.

MR. PETRO: So get it off to Orange County Planning.

Do you have any other questions for the board?

MR. BROWN: Yes, I do, and also for Mark.

MR. PETRO: Time's up.

MR. BROWN: Lot 1, the one that we need a permit for the driveway through the wetland buffer both the entire lot and the calculated usable area is well over five acres, I was wondering if it would be possible to get this filed leaving that lot unbuildable until the DEC permit is secured.

MR. EDSALL: No. The reason that doesn't work is the Town of New Windsor zoning has a variety of uses for which this board can approve the creation of a lot, one of which is not a lot that's intended for nothing, so if you want to deed restrict it as a farm lot that's one way you can do it but otherwise you have to wait.

MR. ARGENIO: Loses the lot at that point.

MR. EDSALL: No, he has to wait until he gets the permit then he comes back.

MR. BROWN: All right, I'll talk it over with my client.

MR. PETRO: Create all the lots that nobody wants, they'd be all over the Town, everybody would abandon them, Town would receive no taxes on the empty lots.

MR. BROWN: That's a septic issue but this one is septic's been designed and just a matter of getting a permit from the DEC which could be time consuming.

MR. PETRO: That's it.

MR. BROWN: Thank you.

September 14, 2005

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MR. PETRO: You're doing the next one too?

MR. BROWN: Yes.

September 14, 2005

15



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**

33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

☐ **Regional Office**

507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

**Writer's E-mail Address:**  
mje@mhepc.com

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

100-3

**TOWN/VILLAGE OF:** New Windsor **P/B APP. NO.:** \_\_\_\_\_

**WORK SESSION DATE:** 6 Oct 2004 **PROJECT:** NEW ☒ OLD \_\_\_\_\_

**REAPPEARANCE AT W/S REQUESTED:** later YES **RESUB. REQ'D:** full later

**PROJECT NAME:** Margi racine 5-4 dr

**REPRESENTATIVES PRESENT:** Charlie Brown

**MUNICIPAL REPS PRESENT:**

BLDG INSP. \_\_\_\_\_  
ENGINEER ☒ \_\_\_\_\_  
P/B CHMN \_\_\_\_\_

FIRE INSP. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

**ITEMS DISCUSSED:** ck it with 3yr

of plan - approved  
of 5A - x 56th  
- need to write plans.

\*will set up file for  
perc tests etc

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_

DUMPSTER \_\_\_\_\_

SCREENING \_\_\_\_\_

LIGHTING \_\_\_\_\_

(Streetlights)

LANDSCAPING \_\_\_\_\_

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_

APPROVAL BOX \_\_\_\_\_

**PROJECT STATUS**

ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N

Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N

Recommended Mtg Date \_\_\_\_\_

**PROJECT  
TYPE**

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#882-2005**

09/13/2005

Taconic Design Consultants, Inc. *PB# 05-17*

Received \$ 75.00 for Planning Board Fees, on 09/13/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk





**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**

33 Airport Center Drive

Suite 202

New Windsor, New York 12553

(845) 567-3100

fax: (845) 567-3232

e-mail: mhenry@mhepc.com

*Writer's e-mail address:*

*mje@mhepc.com*

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** MANGIARACINA MINOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (at Town Line with Blooming Grove)  
SECTION 56 – BLOCK 1 – LOT 56  
**PROJECT NUMBER:** 05-17  
**DATE:** 14 SEPTEMBER 2005  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 32+  
ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL  
LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the R-3 Zoning District of the Town. The “required” bulk information on the plan is correct for the zone and use. The “provided” bulk information appears reasonable, and conforming; however
  - Verify lot width for lot #1 is correct
  - Verify street frontage for lot #4 is correct
  - Verify lot width for lot #4 is correct
2. The plan bulk table provides information regarding accessory buildings, presumably such that the barns on lots 3 & 4 can be considered. The table indicates that these buildings exceed the permissible height for accessory buildings; therefore, they need to meet primary structure setback requirements, and the information regarding accessory buildings is not applicable, and should be removed. It appears that a variance will be required regarding the barn on proposed lot # 4.
3. There appear to be inconsistencies in the percolation data, lot number designation and actual tests witnessed by our office. These should be corrected
4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

5. The applicant should determine the area of disturbance (in acres) related to the project, such that a determination can be made as to the submittal requirements of the Stormwater Pollution Prevention regulations.
6. This project is within a 500-foot distance from the Town Line with Blooming Grove and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW05-17-14Sept05.doc

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/03/2005

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 5-17

NAME: MANGIARACINA SUBDIVISION - FOR PERC TESTING  
APPLICANT:

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/03/2005	REC. CK. #2268	PAID		800.00	
		TOTAL:	0.00	800.00	-800.00

*[Handwritten signature]*  
*6/6/05*

PLANNING BOARD  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Appl No: 5-17

File Date:06/03/2005

SEC-BLK-LOT:56-1-51-31

Project Name:MANGIARACINA SUBDIVISION - FOR PERC TESTING      Type:

Owner's Name:JACK MANGIARACINA      Phone:(845) 496-7126  
Address:156 TOLEMAN ROAD - WASHINGTONVILLE, NY

Applicant's Name:      Phone:  
Address:

Preparer's Name:      Phone:  
Address:

Proxy/Attny's Name:      Phone:  
Address:

Notify:      Phone:

Location:

Acreage	Zoned	Prop-Class	Stage	Status
0.000		0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
06/03/2005				

Appl for:FILE OPENNED FOR PERC TESTING AND RECEIPT OF ESCROW

Addl Municipal Services:  
Streets:  
Water:  
Sewer:  
Garbage:

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change ☐ Site Plan ☐ Special Permit ☐

Tax Map Designation: Sec. 56 Block 1 Lot 56

BUILDING DEPARTMENT REFERRAL NUMBER 05-17 2004-1166

1. Name of Project MANGIARACINA 4 LOT SUBDIVISION
2. Owner of Record JOANN MANGIARACINA Phone 845-496-7126  
Address: 156 TOLEMAN ROAD, WASHINGTONVILLE, NY. 10992  
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant JOANN MANGIARACINA Phone 845-496-7126  
Address: 156 TOLEMAN ROAD, WASHINGTONVILLE, NY. 10992  
(Street Name & Number) (Post Office) (State) (Zip)  
CHARLES T. BROWN, P.E.
4. Person Preparing Plan THOMAS DESIGN CONSULTANTS Phone 845-569-8400  
Address: 1 GARDNERTOWN ROAD, NEWBORGH, NY. 12550  
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney KEVIN BRENNAN Phone 845-534-7545  
Address: 284 MAIN STREET, CORNWALL, NY. 12518  
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:  
CHARLES T. BROWN, P.E. 845-569-8400  
(Name) (Phone)
7. Project Location: On the EAST side of TOLEMAN ROAD \_\_\_\_\_ feet  
(Direction) (Street) (No.)  
SOUTH of VINEYARD LANE  
(Direction) (Street)

8. Project Data: Acreage 32.65 Zone R-3 School Dist. WASHINGTONVILLE

SEP - 9 2005

ENGINEER & PLANNING

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes ☒ No ☐

\*This information can be verified in the Assessor's Office.

\*If you answer yes to question 9, please complete the attached AAgricultural Data Statement.

10. Description of Project: (Use, Size, Number of Lots, etc.) 4 LOT MINOR RESIDENTIAL SUBDIVISION OF AN EXISTING 32.65 ACRE PARCEL

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes ☐ no ☒

12. Has a Special Permit previously been granted for this property? yes ☐ no ☒

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

BERNARD KESLOWITZ  
Notary Public, State of New York  
No. 41-45148-03  
Qualified in Queens County  
Commission Expires July 31, 2008

SWORN BEFORE ME THIS:

1<sup>ST</sup> DAY OF September 2004

Bernard Keslowitz  
NOTARY PUBLIC

Joann Mangiaracina  
APPLICANT'S SIGNATURE  
JOANN MANGIARACINA  
Please Print Applicant's Name as Signed


\*\*\*\*\*  
TOWN USE ONLY:

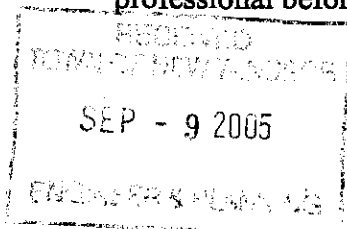
SEP - 9 2005  
DATE APPLICATION RECEIVED  
ENGINEER & PLANNING

05-17  
APPLICATION NUMBER

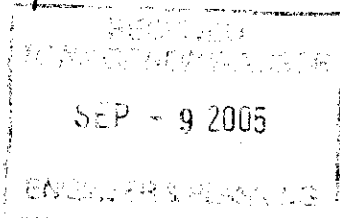
**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ✓ Name and address of Applicant.
  - \* 2. ✓ Name and address of Owner.
  3. ✓ Subdivision name and location
  4. ✓ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval.  
**(ON ALL PAGES OF SUBDIVISION PLAN)**
- SAMPLE:** 
5. ✓ Tax Map Data (Section, Block & Lot).
  6. ✓ Location Map at a scale of 1" = 2,000 ft.
  7. ✓ Zoning table showing what is required in the particular zone and what applicant is proposing.
  8. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
  9. ✓ Date of plat preparation and/or date of any plat revisions.
  10. ✓ Scale the plat is drawn to and North arrow.
  11. ✓ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
  12. \_\_\_\_\_ Surveyor's certificate.
  13. \_\_\_\_\_ Surveyor's seal and signature.
  14. ✓ Name of adjoining owners.
  15. ✓ Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
  - \* 16. ✓ Flood land boundaries.
  17. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.



18. ✓ Final notes and bounds.
19. ✓ Name and width of adjacent streets; the road boundary is to be a *minimum* of 25 ft. from the physical center line of the street.
20. ✓ Include existing or proposed easements.
21. ✓ Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. ✓ Lot area (in square feet for each lot less than 2 acres).
24. ✓ Number the lots including residual lot.
25. ✓ Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. ✓ Applicable note pertaining to owner's review and concurrence with plat together with owners signature.
28. ✓ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. ✓ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. ✓ Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. ✓ Provide A septic system design notes as required by the Town of New Windsor.
32. ✓ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ✓ Indicate percentage and direction of grade.
34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. N/A Indicate location of street or area lighting (if required).





REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. \_\_\_\_\_ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. \_\_\_\_\_ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

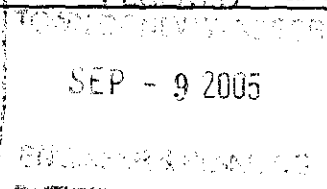
BY: C. H. P. E. 9/6/05  
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**PLEASE NOTE:**

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**



NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision/Site Plan

for the proposed 4 LOT RESIDENTIAL SUBDIVISION OF AN EXISTING  
(briefly describe project)  
32.65 ACRE PARCEL SERVED BY INDIVIDUAL WELLS AND  
SEPTICS. ALL LOTS ARE IN CONFORMANCE TO CURRENT TOWN ZONING.

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

Owner/Applicant JOANN MANGIARACINI  
Name

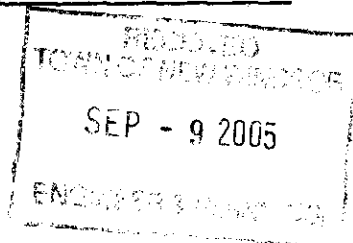
Address: 156 TOLEMAN ROAD  
WASHINGTONVILLE, NEW YORK 10992

Project Location: 56-1-56  
Tax Map # Sec., Block, Lot

Street: TOLEMAN ROAD

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y.

Date: 9/6/05



TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,  
Chairman

05-17

AGRICULTURAL DATA STATEMENT

1. Name and Address of Applicant:

JOANN MANGIARACINA

156 TOLEMAN ROAD WASHINGTONVILLE, NJ 10992

2. Description of proposed project and its locations:

SUBDIVIDE AN EXISTING 32± ACRE PARCEL INTO 4  
LOTS FOR SINGLE FAMILY RESIDENCE WITH NO  
FURTHER DEVELOPMENT OF BALANCE

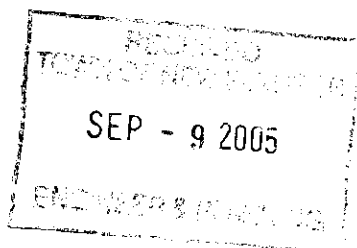
3. Name and address of any owner of land within the Agricultural District:

JOANN MANGIARACINA

156 TOLEMAN ROAD WASHINGTONVILLE, NJ 10992

4. Name and address of any owner of land containing farm operations located within 500 feet of the boundary of the subject property.

5. A map is submitted herewith showing the site of the proposed project relative to the location of farm operations identified in this statement.



05-17

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

JOANN MANGIARACINA, deposes and says that he resides  
(OWNER)

at 156 TOLEMAN ROAD, WASHINGTONVILLE, 10992 in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec.        Block        Lot       )  
designation number (Sec. 56 Block 1 Lot 56) which is the premises described in  
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

CHARLES T. BROWN, P.E. 1 GARDNERTOWN RD, NEWBURGH, N.Y. 12550  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: Sept 1st 2004  
Benard Heslont  
Witness' Signature

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Joann Mangiaracina  
Owner's Signature

Applicant's Signature if different than owner


Charles T. Brown  
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR  
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO  
REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

05-17

# **SHORT ENVIRONMENTAL ASSESSMENT FORM** For UNLISTED ACTIONS Only

## **PART I—PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

<p>1. APPLICANT / SPONSOR <b>JOANN MANGIARACINA</b></p>	<p>2. PROJECT NAME <b>MANGIARACINA 4 LOT SUBDIVISION</b></p>
<p>3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b></p>	
<p>4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)  <b>S/B/L: 56-1-56 TOLEMAN ROAD</b></p>	
<p>5. IS PROPOSED ACTION:  <input checked="" type="checkbox"/> New    <input type="checkbox"/> Expansion    <input type="checkbox"/> Modification/alteration         </p>	
<p>6. DESCRIBE PROJECT BRIEFLY:  <b>4 LOT MINOR RESIDENTIAL SUBDIVISION OF AN EXISTING 32.65 ACRE PARCEL. ALL LOTS WILL BE SERVICED BY INDIVIDUAL WELLS AND SEPTICS</b> </p>	
<p>7. AMOUNT OF LAND AFFECTED:            Initially <u>4</u> acres    Ultimately <u>4</u> acres         </p>	
<p>8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No    If No, describe briefly         </p>	
<p>9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?  <input checked="" type="checkbox"/> Residential    <input type="checkbox"/> Industrial    <input type="checkbox"/> Commercial    <input type="checkbox"/> Agriculture    <input type="checkbox"/> Park/Forest/Open space    <input type="checkbox"/> Other            Describe:         </p>	
<p>10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals         </p>	
<p>11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval         </p>	
<p>12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?  <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No         </p>	
<p align="center">I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p>	
<p>Applicant/sponsor name: <u>CHARLES D. BROWN, PE</u>    Date: <u>9/6/05</u></p>	
<p>Signature: <u></u></p>	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

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OVER  
1

**05-17**

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly

### PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

TOWN OF NEW WINDSOR PLANNING BOARD

Name of Lead Agency

JAMES PETRO, JR.

Print or Type Name of Responsible Officer in Lead Agency

CHAIRMAN

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

SEP - 9 2005

Date